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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA : 04-CR-911

-against- : US District Court
: Central Islip, NY
ALPHONSE T. PERSICO and
JOHN J. DeROSS,
Defendants. : November 15, 2007
----- X 9:30 am

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE JOANNA SEYBERT
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Government:

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By: JOHN BURETTA, ESQ.
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Proceedings recorded by mechanical stenography.
Transcript produced by CAT.

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1 (The following ensued in the absence of the
2 jury.)

3 THE COURT: Do you want to call your witness in
4 and put him on the stand?

5 MR. GOLDBERG: If you prefer.

6 THE COURT: We are bringing the jury in, Miss
7 Kedi a.

8 MS. KEDI A: Yes, your Honor.

9 THE COURT: And I will reference your letter
10 after the jury gets here and we have taken testimony from
11 this witness.

12 MR. BURETTA: Judge, regarding this witness.

13 He has testified as an expert about 30 times.
14 The defense hasn't indicated any objection. So to save
15 time, I was going to not go through the full-blown
16 foundation for his expert testimony, his qualifications;
17 just have him deemed an expert at the outset and then
18 start his testimony.

19 THE COURT: Do you have any objection to that?

20 MS. KEDI A: No, your Honor.

21 MR. LaRUSSO: No, your Honor.

22 THE COURT: All right. I think that will
23 hopefully save us some time.

24 MR. BURETTA: Thank you, Judge.

25 THE COURT: I'm sure the government is seeking

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1 to reduce some of the number of witnesses.

2 MR. BURETTA: We have, Judge, you will be happy
3 to hear.

4 THE COURT: I will be delighted to hear that.

5 MR. LaRUSSO: Could we got an opportunity to
6 hear, too, which of those witnesses who are being cut out?

7 THE COURT: Yes.

8 MR. LaRUSSO: The only reason is, Judge, I don't
9 mean to make light of it, that there are some substantial
10 witnesses coming in. It takes a lot of time to prepare
11 for them.

12 If it is going to be one of the substantial
13 witnesses, I would appreciate maybe some courtesy of the
14 government of who it may be that they are pulling out.

15 THE COURT: Of course that works both ways. You
16 turn over documents, exhibits, not as you are doing it, if
17 you can.

18 MR. LaRUSSO: I'll try my best, Judge. Late at
19 night, sometimes I forget to make a copy. I will be
20 honest with you, that does happen. But I thought
21 yesterday I did pretty well. I think I had a copy of
22 everything I showed the witness. I think I did.

23 THE COURT: Hopefully our jurors are on time.

24 (The following ensued in the presence of the
25 jury at 9:40 am.)

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1 THE COURT: Please be seated. The government's
2 next witness is going to be called.

3 Mr. Buretta?

4 MR. BURETTA: Thank you, your Honor. Good
5 morning.

6 The government calls Investigator John Cari llo
7 to the stand.

8

9 JOHN CARI LLO

10 called by the Government, having been first duly
11 sworn/affirmed, was examined and testified as
12 follows:

13 MR. BURETTA: May I inquire?

14 THE COURT: Yes.

15 DIRECT EXAMINATION

16 BY MR. BURETTA:

17 Q. Investigator Cari llo, would you pick up the
18 microphone?

19 A. Yes.

20 MR. BURETTA: At this time the government moves
21 for the qualification of Investigator Cari llo as an expert
22 on the history, methods, and positions of persons in Cosa
23 Nostra.

24 THE COURT: He will be deemed to be an expert in
25 that area.

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1 MR. BURETTA: Thank you, your Honor.

2 BY MR. BURETTA:

3 Q. Investigator Cari llo, how long have you been in law
4 enforcement?

5 A. Approximately 24 years.

6 Q. What is your current position in law enforcement?

7 A. I'm an investigator for the United States Attorneys
8 office in the Southern District of New York.

9 Q. Is that in the same district as this district?

10 A. No, it's not. It's a different district.

11 Q. Where is the Southern District of New York?

12 A. It is located in Lower Manhattan, and it encompasses
13 Manhattan, the Bronx, and parts of Upstate New York.

14 Q. What district are we currently in?

15 A. The Eastern District.

16 Q. In your years in law enforcement have you
17 investigated Cosa Nostra?

18 A. Yes. I have.

19 Q. Describe for the jury what Cosa Nostra is.

20 A. Cosa Nostra is a criminal organization located in the
21 New York area and throughout the United States and parts
22 of Canada.

23 Q. Does it have a specific ethnicity?

24 A. Yes.

25 Q. What is the ethnicity of Cosa Nostra?

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1 A. It is considered Italian organized crime.

2 Q. Can you describe to the jury what positions you had
3 in law enforcement in the past 23 years that involved
4 investigating Cosa Nostra?

5 A. Yes.

6 Q. What are those positions?

7 A. In April of 1992 I was assigned to the Queens Public
8 Morals Division, which is now considered vice enforcement.
9 I was assigned there for approximately three to four
10 years.

11 After that assignment I was transferred to the
12 Queens County District Attorney's office. They have a
13 detectives squad. And after that the organized crime
14 investigation division.

15 So from 1992 to 2004 I had three different
16 assignments specifically to investigate organized crime
17 members and associates, while a member of the New York
18 City Police Department.

19 Q. Can you describe the jury what OCID is.

20 A. It is the Organized Crime Investigation Division.

21 Q. Is that part of the state or the federal government?

22 A. The state government.

23 Q. After you held those positions in the New York City
24 Police Department, did you hold other positions where you
25 investigated Cosa Nostra?

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1 A. Yes.

2 Q. What were those positions?

3 A. I was hired by the Nassau County District Attorney's

4 office. And my current assignment as an investigator for

5 the US Attorney's office.

6 Q. The US Attorney's office: Is that part of the state

7 or the federal government?

8 A. The federal government.

9 Q. And how long have you worked for the federal

10 government investigating Cosa Nostra?

11 A. Approximately 15 months.

12 Q. In your career investigating Cosa Nostra, have you

13 participated in arrests of members and associates of Cosa

14 Nostra?

15 A. Yes, I have.

16 Q. Approximately how many arrests?

17 A. Several hundred.

18 Q. Have you participated in searches of locations used

19 by Cosa Nostra?

20 A. Yes.

21 Q. Approximately how many locations?

22 A. Again, several hundred.

23 Q. Have you participated in eavesdropping on Cosa Nostra

24 locations?

25 A. Yes.

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1 Q. Approximately how many?

2 A. Well over 100 devices.

3 Q. Have you conducted physical surveillance of people in
4 Cosa Nostra?

5 A. Yes.

6 Q. Can you just briefly describe to the jury what a
7 physical surveillance of Cosa Nostra is.

8 A. A physical surveillance is when we physically set up
9 on a location. We go out either in a vehicle or another
10 point where we can make observations of a specific
11 location in which organized crime members or their
12 associates are meeting.

13 Q. What are your basic responsibilities now in
14 investigating Cosa Nostra?

15 A. To conduct criminal investigations on Cosa Nostra
16 members and their associates, and also gather and maintain
17 information on the hierarchy and other criminal activities
18 that Cosa Nostra members are involved with.

19 Q. What are some of the Cosa Nostra crimes you have
20 investigated in your many years of investigation?

21 A. I have been involved in investigations that included
22 murder, labor racketeering, loansharking, extortion,
23 narcotics trafficking, auto crimes, stolen property rings.

24 Q. Are you familiar with whether there is one or more
25 than one Italian crime family in the New York City area?

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1 A. Yes, I am.

2 Q. How many crime families are there in New York that
3 are Italian?

4 A. There are five.

5 Q. What are their names?

6 A. The Gambino crime family. The Genovese crime family.
7 The Colombo crime family. The Lucchese crime family. And
8 the Bonanno crime family.

9 Q. In your years investigating Cosa Nostra, have you
10 learned about some of the language and the code words that
11 are used by members and associates of that organization?

12 A. Yes, I have.

13 Q. Have you previously testified as an expert in court
14 about Cosa Nostra?

15 A. Yes, I have.

16 Q. Approximately how many times?

17 A. Approximately 30 times.

18 Q. When was the last time you were qualified to testify
19 as an expert on Cosa Nostra?

20 A. Several months ago, in the Eastern District.

21 Q. Investigator Cariello, could you describe for the jury
22 how Cosa Nostra started in this country.

23 A. With mass immigration of Italian immigrants in the
24 late 1800s, early 1900s, in Sicily in particular in Italy,
25 they had what they called the mafia. And many of the

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1 immi grants that settled in New York in different
2 nei ghborhoods, they took the custom of the maf ia in Italy
3 to the New York area and other parts of the Uni ted States.

4 Q. How is the maf ia organi zed in Sic i ly?

5 A. From town to town in Sic i ly they have cl ans whi ch
6 sometime are blood relatives, in cl uding cou si ns, sometimes
7 very close associates. And each clan woul d run a
8 parti cul ar town in Sic i ly. And they woul d control the
9 organi zed crime through i llegal activi ties and some of the
10 pol i ti cs in those towns.

11 Q. Are you fami liar wi th the term mafioso?

12 A. Yes.

13 Q. What is that term?

14 A. It more of a Sic i lian term descri bi ng somebody
15 involved in this type of life in Sic i ly.

16 Q. Approximatel y when did groups of mafioso come to the
17 Uni ted States and begin to form what became Cosa Nostra?

18 A. Late 1800s, early 1900s.

19 Q. When the maf ia came to the Uni ted States, how was it
20 organi zed?

21 A. It was organi zed more by nei ghborhoods. Peop le were
22 involved in parti cul ar nei ghborhoods. They woul d control
23 the organi zed crime. But even in the New York area there
24 was always one person that was the boss that pretty much
25 ran everythi ng in the New York area.

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1 Q. During approximately what time period was there a
2 single boss that ran Cosa Nostra in New York City?

3 A. In the 1920s.

4 Q. Who were some of the first bosses at that time?

5 A. Joe the Boss Masseria pretty much controlled the New
6 York area in the 1920s.

7 Q. Could you spell that name please.

8 A. M-A-S-S-E-R-I-A.

9 Q. Who was the boss after Joe Masseria?

10 A. After he was killed, it was Salvatore Maranzano.

11 Q. After him?

12 A. After Salvatore Maranzano was killed, Charles
13 Lucania, better known as Lucky Luciano, formed the five
14 families in New York, where there would be five separate
15 families with their own bosses of equal power.

16 And the five bosses of each family would serve
17 on a commission overseeing the affairs in the New York
18 area. They were trying to use influence rather than
19 violence to settle their disputes.

20 Q. Before the formation of the five families, was there
21 a conflict in the mafia in New York?

22 A. Yes.

23 Q. What was that?

24 A. They called it the Castellamarese Wars.

25 Q. Describe for the jury what the Castellamarese Wars

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1 were.

2 MS. KEDIA: Objection, your Honor. Relevance.

3 THE COURT: Sustained.

4 BY MR. BURETTA:

5 Q. After the end of the Castellamarese Wars, who took
6 control of the mafia?

7 A. As I said, it was broken up into five separate
8 families in the New York area. There were other families
9 throughout the United States.

10 Q. Are you familiar with the term the Commission?

11 A. Yes.

12 Q. What is the Commission?

13 A. It was comprised of the five heads of the five
14 family, the five bosses.

15 Q. And are those the five families you referred to a few
16 moments ago?

17 A. Yes. Yes.

18 Q. At some point did law enforcement assign names to
19 these five families?

20 A. Yes.

21 Q. Are those the names you described?

22 A. Yes.

23 Q. Where do those names come from?

24 A. Sometime in the early 1960s, through information that
25 was formed by federal and state law enforcement agencies,

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1 the heads of the five families in that time, in the 1960s,
2 were dubbed by their bosses' names, and that carries on
3 today.

4 Q. The Gambino family, does that also go by another
5 name?

6 A. In the late 1980s another boss came, John Gotti, and
7 they began to refer to the Gambino family as John's
8 family.

9 Q. Are you familiar with the term The West Side?

10 A. Yes.

11 Q. To what crime family does that refer?

12 A. That's another reference to the Genovese crime
13 family.

14 MR. BURETTA: May I approach the witness, your
15 Honor?

16 THE COURT: Yes.

17 BY MR. BURETTA:

18 Q. Investigator, I'm going to show you what is in
19 evidence as Government Exhibit 5 and Defense Exhibit L,
20 DeRoss L.

21 I will set it here so everyone can see it.

22 Can you describe for the jury, Investigator
23 Carillo, what this exhibit depicts.

24 A. That is a chart of a Cosa Nostra family.

25 MS. KEDIA: I'm sorry, your Honor. Could we

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1 just put it up on an easel?

2 MR. BURETTA: Can you not see it?

3 BY MR. BURETTA:

4 Q. Investigator Cari llo, what is this?

5 A. It is a chart of an organized crime family, Cosa
6 Nostra family.

7 Q. Is this how an organized crime family was organized
8 before the formation of the commission or after?

9 A. Afterwards.

10 Q. Is there a term in Cosa Nostra known as the
11 Administration?

12 A. Yes.

13 Q. To what does that refer?

14 A. The administration refers to the top three positions
15 in an organized crime family, meaning the boss, the
16 underboss, and the consigliere.

17 Q. What are the boss's powers in the modern crime
18 family?

19 A. The boss's power is absolute within his own family.
20 It can't be challenged.

21 He sets policy within his own organized crime
22 family, and he metes out punishment to his members as he
23 deems necessary.

24 Q. If the boss is incapacitated for some reason, either
25 because of jail or death, what if any role do the other

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1 members of the administration play?

2 A. Sometimes the underboss would take temporary control
3 of the family. The boss could also assign somebody
4 separate as his acting boss.

5 Q. Is there a term in Cosa Nostra known as a ruling
6 panel?

7 A. Yes.

8 Q. What is that?

9 A. In recent years, if a boss goes to jail or he's
10 incapacitated because of illness, sometime he'll set up a
11 two, three, four-person panel to insulate himself from the
12 rest of the family, and they will be the ruling committee
13 that control the day-to-day operations in the family.

14 Q. Does that ruling panel necessarily comprise only the
15 underboss and consigliere?

16 A. No.

17 Q. Who else can serve on the panel?

18 A. It can be anybody to the bosses. It could be
19 captains in the family. Or it could sometimes be soldiers
20 could be appointed to the panel.

21 Q. Are you familiar with certain rules that exist in
22 Cosa Nostra?

23 A. Yes.

24 Q. Is there any rule that prohibits the members of the
25 administration, the boss, underboss, and consigliere, from

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1 having soldiers or associates directly with them?

2 A. Responsible to them?

3 Q. Yes.

4 A. When you join the administration or you are promoted
5 to the administration of a family, you are not supposed to
6 have a crew, which means if you were captain and you have
7 soldiers and associate responsible to you.

8 But that doesn't always hold true. It's been my
9 experience on a number of occasions where soldiers,
10 captains, and sometimes even associates are directly
11 responsible to a member of the administration.

12 Q. Are there terms in Cosa Nostra known as around and
13 with?

14 A. Yes.

15 Q. What does that mean?

16 A. That usually refers to an associate that's on record
17 with the captain's crew or a particular soldier of an
18 organized crime family.

19 Q. What does the term on record mean?

20 A. On record means, an associate is somebody that's
21 outside of the organized crime family, usually involved in
22 some sort of criminal activity with them.

23 When you are on record, it means that a
24 particular soldier or a captain's crew has claimed you so
25 that you are under their protection.

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1 And in return, you have to take a percentage of
2 your illegal proceeds that you are involved with them in
3 criminal activity and give that to the made member or give
4 it as a tribute either to the soldier or the captain.

5 Q. You referred the term crew. What is a crew?

6 A crew is, the boss assigns different captains inside
7 his family. They are also known as capocucinas, or
8 captain regimes. And they run regimes for the boss.

9 So a captain's crew can consist of numerous
10 soldiers assigned to that captain by the boss, and
11 numerous close associates, many of whom are on record with
12 that crew.

13 Q. What is the difference between what you called made
14 member and a member that is not made?

15 A. Once you are a soldier or a made member, you are
16 inducted inside the family. Associates are outside the
17 family.

18 Q. What does it mean to be inducted?

19 A. It means, to be inducted is -- the process of
20 induction? Is that the question?

21 Q. What does that term induction mean?

22 A. Induction means that you are proposed by a member of
23 the organized crime family.

24 You go through an induction ceremony and you are
25 formally introduced to other members of the organized

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1 crime family as being part of the Cosa Nostra family.

2 Q. During the ceremony in which someone becomes a member
3 of organized crime, are there any oaths that are taken?

4 A. Yes.

5 Q. What oaths?

6 A. Usually the oath of omerta, meaning silence.

7 Q. Can you spell omerta.

8 A. O-M-E-R-T-A.

9 Q. What is the oath of omerta?

10 A. When somebody is proposed for membership and it is
11 approved by the boss of his own family, he is brought to a
12 secret ceremony, it is supposed to be a secret ceremony,
13 where other members of the administration or high-ranking
14 members are present, and they go through a formal
15 induction ceremony to make that person a member of that
16 family.

17 Q. What is the purpose of the oath of secrecy; of
18 omerta?

19 A. You take an oath. You are asked if you, there is a
20 part of the ceremony -- should I go into the ceremony? Is
21 that what you are asking?

22 Q. I'm just asking what the purpose of the oath of
23 secrecy is.

24 A. To keep law enforcement outside the family. To
25 protect the hierarchy of the organized crime family.

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1 You're not supposed to disclose the Cosa Nostra family's
2 membership or any activities that they are involved in.

3 Q. Are there any penalties for violating that oath of
4 secrecy?

5 A. Yes.

6 Q. What penalties?

7 A. You could be killed by the order of the boss. Or you
8 could be disciplined.

9 Q. Are there any ethnic requirements to become a member
10 of Cosa Nostra?

11 A. Yes.

12 Q. What are those ethnic requirements?

13 A. You have to be of Italian descent.

14 At one time it was 100 percent on your mother
15 and father's side. Over the years it changed back and
16 forth to only on your father's side. And just recently it
17 has been changed back again to 100 percent of Italian
18 descent.

19 Q. What are some of the types of locations that members
20 and associates of Cosa Nostra meet?

21 A. They meet at social clubs. Restaurants. Bars. We
22 have had them meet at social events such as weddings,
23 christenings. Also funerals, wakes. Things of that
24 nature.

25 Q. Once you become a member of Cosa Nostra, can you

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1 decide you don't want to be a member anymore?

2 A. No.

3 Q. Why?

4 A. There is one way into Cosa Nostra and one way out.

5 You come in alive and you are supposed to leave dead.

6 So there is no retiring. There is no quitting.

7 Once you are inducted, and you go through the ceremony,

8 you are a Cosa Nostra member for life.

9 Q. Are you familiar with the term shelving or to put
10 someone on a shelf?

11 A. Yes.

12 Q. What does that term mean?

13 A. Shelving is a form of discipline used by a boss of a
14 family, sometimes in lieu of killing a person, where you
15 strip the Cosa Nostra member of their powers, sometimes
16 temporarily, sometimes permanently, so nobody is supposed
17 to respect them as a Cosa Nostra member and they are not
18 supposed to be able to earn money for the Cosa Nostra
19 family.

20 Q. Are there any rules in Cosa Nostra about how to carry
21 out an order to kill?

22 A. Any rules?

23 Q. Yes.

24 A. Well, if the order comes from the boss of your
25 family, you can't question it. You have to do it.

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1 Q. Are there any rules about how you have to go about
2 carrying out the boss's order to kill?

3 A. From family to family, situations vary.

4 Q. Are there any rules about the particular number of
5 people who should participate in a murder?

6 A. No.

7 Q. Are you familiar with the term Turing or to lure
8 someone?

9 A. Yes.

10 Q. What does that mean in Cosa Nostra?

11 A. Cosa Nostra it means to make somebody comfortable.

12 You don't want them to know that they are going
13 to be killed, you want to make them as comfortable as
14 possible so that they don't see it coming.

15 Q. Does Cosa Nostra seek to avoid law enforcement
16 discovering their crime?

17 A. Yes.

18 Q. Why?

19 A. Cosa Nostra thrives on secrecy. The less law
20 enforcement knows about the criminal activities or its
21 members, the easier it is for Cosa Nostra to reap the
22 benefits of their illegal activities.

23 Q. What are some of the ways Cosa Nostra tries to hide
24 evidence of murder?

25 A. Many times through the years, it's been both ways,

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1 but on many occasions you won't find the bodies. They
2 will kill somebody, and to evade law enforcement scrutiny
3 at the onset, the body won't be found. It will be buried
4 or it will be disposed of.

5 Q. Are you familiar with the term rats?

6 A. Yes.

7 Q. What does that mean in Cosa Nostra?

8 A. In Cosa Nostra that's referring to people that are
9 cooperating with the government.

10 Q. Historically, have there been efforts in Cosa Nostra
11 to kill rats?

12 A. Yes.

13 Q. Are you familiar with the term copping a sneak?

14 A. Yes.

15 Q. What does that term mean?

16 A. In Cosa Nostra you are supposed to have permission of
17 your superiors to carry out a murder. There have been
18 many murders in Cosa Nostra where the murders are done on
19 the sneak without the permission of the bosses or the
20 hierarchy of the family.

21 Q. Historically in Cosa Nostra, are you aware of any
22 examples of an underboss being killed on the sneak?

23 A. On the sneak? Without sanction from above in this
24 family?

25 Q. Without sanction either from a boss or the

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1 commision.

2 A. No.

3 Q. Is it common in Cosa Nostra to have a nickname?

4 A. Very common. Yes.

5 Q. Are you familiar with the term in Cosa Nostra known
6 as a beef?

7 A. Yes.

8 Q. Is that a term also used outside Cosa Nostra?

9 A. Yes.

10 Q. What does that term mean in Cosa Nostra?

11 A. A beef is when a dispute arises between Cosa Nostra
12 members or associates that are on record with them.

13 Q. In modern Cosa Nostra after the formation of the
14 commision, was there a way that beefs are settled?

15 A. Yes.

16 Q. How?

17 A. What they call a sitdown.

18 Q. What is a sitdown?

19 A. A sitdown in Cosa Nostra means, whether it be within
20 the same family or between different families in Cosa
21 Nostra, to settle disputes they have what they call
22 sitdowns. And people have to be of the same rank.

23 So in other words, if an associate has a beef
24 with a soldier in another family, he has to get the
25 soldier to represent him at the sitdown.

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1 If somebody in particular is with a captain, and
2 the dispute is with a soldier, that soldier has to get his
3 captain to sit down. And it goes all the way up through
4 the ranks.

5 So you have to be of the same rank.

6 Q. Is there a term in Cosa Nostra known as a walk talk?

7 | A. Yes.

8 Q. What does that mean?

9 A. A walk and talk is just two members or associates of
10 organized crime possibly coming out of a social hall or
11 another inside location to discuss illegal activity.
12 Usually they will walk around the block or down to the
13 corner.

14 Q. What is the purpose of a walk talk?

15 A. To avoid electronic eavesdropping by law enforcement,
16 meaning bugs or something where we can intercept their
17 conversations.

18 Q. Beside walk talks, are there other ways that people
19 in Cosa Nostra try and avoid being intercepted on bugs?

20 A. On bugs, yes. Sometimes within vehicles. Or in
21 certain locations they will turn up TVs or radios so that
22 the intercept can't be clear. Things of that nature.

23 0. Do they ever whisper?

24 A Yes

25 Q. Investigator Cariello, are you familiar with the

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1 general history of the Colombo crime family?

2 A. Yes.

3 Q. Who was the first boss of the Colombo crime family?

4 A. After the wars, when they formed the five families,
5 it was Giuseppe, or Joe, Profaci.

6 Q. And after Mr. Profaci was the boss of the Colombo
7 crime family, who was the next boss?

8 A. That was from 1931 till the early 1960s.

9 Around 1962 he died, and his underboss Joe or
10 Giuseppe Maglificio became the boss.

11 Q. Who was the boss after that?

12 A. Upon his death in 1963, Joseph Colombo.

13 Q. How long was Joseph Colombo the boss of the Colombo
14 crime family?

15 A. He was shot in 1971 and he became incapacitated, in a
16 vegetative state. So from 1963 to 1971 he was the
17 official boss. He may have been the boss after that also.
18 I think there were a series of acting bosses through the
19 1970s.

20 Q. Where was Joe Colombo shot?

21 A. In Columbus Circle in Manhattan.

22 Q. You said there was a series of acting bosses after
23 Joe Colombo went into a vegetative state. Who were some
24 of those acting bosses?

25 A. Thomas Di Bella. He may have been an official boss at

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1 some point. I don't have enough information to state that
2 with certainty.

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3 Q. Who are you sure was the next official boss of
4 the Colombo crime family?

5 A. In 1980 Carmine Persico became the boss of the
6 Colombo crime family.

7 Q. I'm going to show you Government Exhibit 2A.

8 Do you know who this individual is?

9 A. Yes.

10 Q. Who is that?

11 A. Carmine Persico.

12 Q. Does he have a nickname Junior?

13 A. Yes, he does.

14 Q. Is that the individual you identified as becoming the
15 official boss of the Colombo crime family in 1980?

16 A. Yes.

17 Q. At some point was Carmine Persico incarcerated?

18 A. Yes.

19 Q. In what case was he convicted and then incarcerated?

20 A. The Commission case.

21 Q. What is the Commission case?

22 MS. KEDIA: Objection, your Honor.

23 THE COURT: Please approach.

24 (Discussion ensued at side bar as follows.)

25 MS. KEDIA: Your Honor, could we have just a

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1 moment?

2 THE COURT: All right.

3 MR. LaRUSSO: Thank you, your Honor.

4 MS. KEDIA: Your Honor, the objection is to the
5 facts of Carmine Persico's conviction. I don't understand
6 that that is relevant to this case.

7 MR. BURETTA: He is not going to talk about what
8 crimes he was convicted of.

9 The point of talking about the Commission case
10 is that there were several official bosses of the families
11 who were incarcerated in that case, and then he leads into
12 discussing acting bosses as a result and why at the
13 Commission meetings official bosses were not in
14 attendance, because they were in jail; thus the
15 requirement of acting bosses and other members of the
16 Commission.

17 He is not getting into why he was in jail or
18 what the crimes were or anything like that.

19 MS. KEDIA: I understand the purpose that
20 Mr. Buretta is seeking this for, but he can do it without
21 eliciting that these five people were convicted together
22 in a case which causes him to go into the facts of the
23 Commission case. Certainly, Mr. Buretta can elicit that
24 there is a situation in which certain bosses were
25 incarcerated and there are acting bosses.

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1 THE COURT: I think you have to give it some
2 context. So I will allow you to elicit that there was a
3 Commission case, and as a result individuals went to jail
4 and they needed acting bosses.

5 MR. BURETTA: Right. Thank you.

6 (Discussion at sidebar was concluded.)

7 THE COURT: Objection is sustained.

8 BY MR. BURETTA:

9 Q. Investigator Cariello, were other bosses of crime
10 families convicted in the Commission case?

11 A. Yes.

12 Q. And after the conviction of these bosses of the
13 various crime families in the Commission case, were acting
14 bosses pointed?

15 A. In some families, yes.

16 Q. Are you familiar with who some of the acting bosses
17 in the Colombo crime family were after the Commission
18 case?

19 A. Yes.

20 Q. Who were some of these people?

21 A. Victor Orena. Vic Orena. Joe Tomasello at some
22 point. Andrew Russo later on.

23 Q. And were there commission meetings that occurred
24 between the five families after the Commission case?

25 A. Yes.

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1 Q. Did the official bosses of the families go to those
2 meetings?

3 A. Sometimes no. No. Their representatives would have
4 had to have been there.

5 Q. Are you fami lliar, Investigator Cari llo, with a
6 conflict that occurred in the Colombo crime family at some
7 point?

8 A. Yes.

9 Q. Is there a name for that conflict?

10 A. Yes.

11 Q. What is that?

12 A. The Colombo Wars.

13 Q. And during approximately what time period was the
14 Colombo war?

15 A. I would say that it began in around 1990 and it ended
16 sometime in 1993.

17 Q. At this time, Investigator Cari llo, I would like to
18 review with you some photographs of individuals.

19 Have you had an opportunity to review these
20 photographs before today?

21 A. Yes, I have.

22 MR. BURETTA: I'm going to display Government
23 Exhibit 90, which I will offer into evidence at this time.

24 THE COURT: Any objection?

25 MR. LaRUSSO: Just one moment, your Honor.

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1 I have no objection.

2 THE COURT: Received in evidence.

3 (Government Exhibit 90 in evidence.)

4 BY MR. BURETTA:

5 Q. With respect to Government Exhibit 2A, Carmine
6 Persico. What position did he hold in the Colombo crime
7 family?

8 A. The official boss.

9 Q. I'm going to show you Government Exhibit 2C. Who is
10 that?

11 A. That's Vic Orena. He was the acting boss.

12 Q. Government Exhibit 2D?

13 A. That's Andrew Russo, also known as Mush. Another
14 acting boss.

15 MS. KEDIA: Judge, obviously these photographs
16 are not in evidence yet at this stage, and they are being
17 published to the jury.

18 THE COURT: All right.

19 MR. BURETTA: If your Honor would like, I can
20 walk them one by one to the witness.

21 THE COURT: No, I wouldn't like that.

22 If you have an objection to a particular
23 photograph or all photographs, you can come up to sidebar.

24 MS. KEDIA: Okay. Could I see them before they
25 are published to the jury?

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1 THE COURT: Sure. Absolutel y.

2 BY MR. BURETTA:

3 Q. Government Exhibit 2E?

4 A. That's Joseph Scopo. He was a captain and acting
5 underboss at one time of the Colombo crime family.

6 Q. Is he alive or dead?

7 A. He's dead.

8 Q. 2F?

9 A. That's William Cutolo. Billy Cutolo.

10 Q. Did he have any nicknames?

11 A. Wild Bill. Official captain in the Colombo crime
12 family. His highest rank was underboss.

13 Q. 2H?

14 A. Joel Cacace, known as Joe Waverly. He was the
15 consigliere of the Colombo crime family.

16 Q. 2I?

17 A. That's John DeRoss.

18 I'm sorry. That's Tommy Giolli. Sorry.

19 Q. Does he have a nickname?

20 A. Yes. Tommy Shots.

21 Q. What was his position?

22 A. Served on the administration.

23 MR. LaRUSSO: I'm sorry. I missed that.

24 THE WITNESS: The administration.

25 MR. LaRUSSO: I'm sorry.

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1 BY MR. BURETTA:

2 Q. 2J?

3 A. Benjamin Castellazzo. Benjamin Castellazzo. Official
4 captain and also served on the administration.

5 Q. 2K?

6 A. That's Joe Amato.

7 Q. What was the highest position?

8 A. An acting captain.

9 Q. 2L?

10 A. Joe Baudanza.

11 Q. Position?

12 A. A captain. Capo regime.

13 Q. 2M?

14 A. Di no Calabro. Captain in the Colombo crime family.

15 Q. 2N?

16 A. Joseph Campanella.

17 Q. Position?

18 A. He served as an acting captain in the Colombo crime
19 family.

20 Q. 2O?

21 A. Richie Capi chano also known as Richie the Jewel.

22 Q. Was he a member?

23 A. Yes. I'm sorry. Captain. Acting captain.

24 Q. 2P?

25 A. Vincent DeMartino.

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1 Q. Did he have an nickname?

2 A. Chickie.

3 Q. Was he a made member?

4 A. Yes. A captain in the Colombo crime family.

5 Q. 20?

6 A. Robert Donofrio. Soldier in the Colombo crime
7 family.

8 Q. 2R?

9 A. Joe Gambale, also known as Joe Smash, a member of the
10 Colombo crime family.

11 Q. Does that mean soldier?

12 A. Yes.

13 Q. 2T?

14 A. Frank Campanella. An associate in the Colombo crime
15 family.

16 Q. 2U?

17 A. Ronnie Califano. An associate of the Colombo crime
18 family.

19 Q. Does he have a nickname?

20 A. Downtown Ronnie.

21 Q. 2V?

22 A. You have to go to the next photo.

23 Q. 2W?

24 A. These are not photos that I was going to identify.

25 Q. You cannot identify that person?

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1 A. Well, I can identify them but their associations
2 are...

3 Q. 2Y?

4 A. William Cutolo, Jr., an associate of the Colombo crime
5 family.

6 Q. 2Z?

7 A. That's Carmine DeRoss, Skippy DeRoss, an associate of
8 the Colombo crime family.

9 Q. 2BB?

10 A. Dominick Dionisio, an associate of the Colombo crime
11 family.

12 Q. 2CC?

13 A. Giovanni Florida, an associate of the Colombo crime
14 family, also known as John The Barber.

15 Q. 2DD?

16 A. That's Frank Waverly, an associate of the Colombo
17 crime family.

18 Q. 2EE?

19 A. That's Joe Ianacci, an associate of the Colombo crime
20 family.

21 Q. I'm sorry, what was first name?

22 A. Frank Ianacci.

23 Q. Does he have a nickname?

24 A. Frankie Notch.

25 Q. 2NN?

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1 A. Mi key Spataro, also known as Mi key Spats. A Colombo
2 fami ly associate.

3 Q. Sir, the individual s you have identi fied in the
4 Colombo cri me fami ly, in these photographs, are these all
5 of the members and associates of the Colombo cri me fami ly?

6 A. No.

7 Q. In the New York Ci ty area, approxi matel y, how many
8 members of Cosa Notra's fi ve famili es are there?

9 A. Approximate ly 800.

10 Q. Approximate ly how many associates in the New York
11 Ci ty area?

12 A. Several thousand.

13 MR. BURETTA: No further questi ons. Thank you,
14 your Honor.

15

16 CROSS-EXAMI NATI ON

17 BY MS. KEDI A:

18 Q. Good morni ng, Mr. Cari llo.

19 A. Good morni ng.

20 Q. Coul d you take a look at that chart.

21 Can you see it from where you are sitti ng?

22 A. Yes, I can.

23 Q. And it is an accurate representati on of the posi tions
24 that you bel i eve that vari ous peopl e held during vari ous
25 times?

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1 A. Yes.

2 Q. When is it -- if I could just move it up.

3 When is it, in your view, Mr. Cariello, that
4 Joseph Campanella became a captain in the Colombo crime
5 family?

6 A. I believe he was an acting captain, not an official
7 captain.

8 Q. Mr. Campanella here?

9 A. Yes.

10 Q. Acting captain?

11 A. Yes.

12 Q. When was that?

13 A. In the late 1990s.

14 Q. And Mr. DeMartino: When is it that you believe he
15 became a captain?

16 A. Sometime after that. In the early 2000s. I don't
17 have exact dates, but it would be after 2000.

18 Q. And with respect to each of the other people.

19 Joey Amato: When is it that he became captain?

20 A. He was an acting captain in the 1990s.

21 Q. When in the 1990s?

22 A. I wouldn't, I would have to look at records to be
23 more particular.

24 Q. Well, certainly you looked at records before you came
25 in here to testify as an expert witness, correct?

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1 A. That's right.

2 Q. Do you have any recall of when it is that you believe
3 that Mr. Amato, when in the '90s it is that you believe
4 Mr. Amato became a captain?

5 MR. BURETTA: Asked and answered.

6 THE COURT: Overruled.

7 A. No, I don't.

8 BY MS. KEDI A:

9 Q. Do you know that Mr. Amato was in jail during most of
10 the 1990s?

11 A. Yes.

12 Q. And your belief is he got elevated while he was in
13 jail?

14 A. It may have been the early part of the '90s. I would
15 have to look at his arrest record. But we do have a
16 period of time where he was acting capo regime.

17 Q. Mr. Cariello, you have testified in any number of
18 trials, as you stated. Right?

19 A. Yes.

20 Q. In federal court, primarily since 2004, you have been
21 testifying as an expert witness. Right?

22 A. That's correct.

23 Q. And you testified in cases against Bonanno members.
24 Right?

25 A. Yes.

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1 Q. And you testified at three trials against John Gotti
2 Jr. Right?

3 A. That's correct.

4 Q. And you have testified in other Bonanno-related
5 cases. Correct?

6 A. Yes.

7 Q. Now, how many times -- let me ask you this. Are the
8 questions and answers more or less the same every time you
9 testify?

10 A. They vary both on direct and cross, but pretty much
11 it is all about Cosa Notra. That is what I know about
12 through investigations so.

13 Q. But the questions that you are asked, for example,
14 here in this courtroom may vary based on what it is that
15 the government is representing are the facts of this case.
16 Right?

17 MR. BURETTA: Objection.

18 A. My testimony is usually more general than a specific
19 crime. It's about how Cosa Notra works. So they would
20 pretty much stay somewhat the same.

21 Q. How many times, before you came in here to testify
22 about this case, did you speak to the government about it?

23 A. About this case in particular? Or about my
24 testimony?

25 Q. About your testimony in this courtroom as opposed to

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1 your testimony in other courtrooms.

2 A. We met a couple of times. But we did not prepare,
3 which is more unusual than that. We didn't really have
4 any Q-and-A preparation as far as this trial goes.

5 Q. Is that the reason that you were shown pictures that
6 you were unable to identify?

7 A. No.

8 I was able to identify some of them. It is just
9 that I don't -- I prefer not to identify somebody as per-
10 se as a Colombo associate unless I have enough information
11 to back that up, especially in a courtroom.

12 So we had gone through that; just there must
13 have been a misunderstanding as to who I would identify.

14 Q. Okay. So certainly your belief is that you have
15 enough information to identify each of those people in the
16 positions in which you identified them.

17 A. That's correct.

18 Q. And where is it that you get this information?

19 A. From numerous sources. A lot of it could be from the
20 monitoring of eavesdropping. Cooperative witnessess.
21 Informants. Exchange of information with other government
22 agencies. Numerous surveillances.

23 Just through associations and photographs. That
24 type of thing.

25 Q. Where is it that you got the information that Joseph

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1 Campanella was an acting captain in the late 1990s?

2 A. I didn't say the late 1990s. At some point he was an
3 acting captain.

4 Q. I'm sorry. When was it, if you didn't say the late
5 1990s?

6 A. You had asked me if I knew in particular exactly
7 when. I don't know the exact year. It was sometime in
8 the 1990s.

9 Q. Okay. So where did you get the information that
10 Joseph Campanella was an acting captain sometime in the
11 1990s?

12 A. From information from the FBI and -- I'm trying to
13 think if I got it from him directly. I may have.

14 Q. From Mr. Campanella directly?

15 A. Yes.

16 Q. And what about -- when did you speak to
17 Mr. Campanella?

18 A. Over the last several weeks. I don't know exactly
19 what date.

20 Q. When is the first time you met Mr. Campanella?

21 A. Several weeks ago.

22 Q. So during all of your years as an investigator in the
23 Southern District and all of your years investigating
24 organized crime before that, you never met him?

25 A. He only became a cooperating witness at a certain

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1 time.

2 Q. Well, he became a cooperating witness at some time in
3 2003. Right?

4 A. That's correct.

5 Q. And even prior to that, he had met with law
6 enforcement agents. Correct?

7 A. Not with myself. I don't know.

8 Q. In 2003 did you ever speak to Mr. Campanella?

9 A. No.

10 Q. So prior to a few weeks ago you had never spoken to
11 Mr. Campanella?

12 A. No. I retired in 2004 and that's about the time that
13 he began cooperating.

14 Q. Well, when you say you retired in 2004, what are you
15 talking about?

16 A. I retired from the police department.

17 Q. And subsequently, in 2004 in fact, you started
18 testifying at as an expert witness. Right?

19 A. 2004, yes. Maybe --yes, the summer of 2004. Yes.

20 Q. Yet you had never spoken to Joseph Campanella in
21 2003, 2004, 2005, or 2006. Is that right?

22 MR. BURETTA: Objection.

23 THE COURT: Sustained.

24 BY MS. KEDI A:

25 Q. Well, Mr. Cariillo, you testified at a trial against

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1 someone who you believed to be associated with the Colombo
2 family. Right?

3 A. Have I testified at a trial? Yes.

4 Q. And you did that as an expert witness during a time
5 period where Joseph Campanella was cooperating. Right?

6 A. That's correct.

7 Q. But you didn't speak to Joseph Campanella prior to
8 testifying in that case. Is that right?

9 MR. BURETTA: Objection.

10 THE COURT: Sustained.

11 BY MS. KEDI A:

12 Q. You have testified about the structure of various
13 crime families. Right?

14 A. That's correct.

15 Q. You understand that -- well, in your expert opinion,
16 it's not a crime to be a member of the mafia. Right?

17 A. No.

18 Q. When you met with the government, were you notified
19 about the charges in this case?

20 A. I knew about the charges prior to meeting with the
21 government. Yes.

22 Q. So sitting there on the witness stand today you
23 understand what the charges are.

24 A. Yes.

25 Q. Now, you have testified about various positions that

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1 people hold in the crime families, and you have testified
2 about consiglieres and bosses and underbosses. Right?

3 A. Yes.

4 Q. You are aware, Mr. Cari llo, that when -- I will show
5 you what is in evidence as I believe Defendant's Exhibit
6 DeRoss L.

7 You are aware, Mr. Cari llo --

8 A. Yes.

9 Q. -- that this person in this position, the boss, if he
10 dies or if he goes to jail, that the family reverts to the
11 consigliere. Right?

12 A. If it is unexpected?

13 Q. Yes.

14 A. If he dies or he goes to jail?

15 Q. Unexpectedly.

16 A. That doesn't automatically happen, no.

17 Q. It doesn't. Have you actually met with a cooperating
18 witness by the name of Sal Vitale?

19 A. Yes, I have.

20 Q. And did Mr. Vitale inform you -- Mr. Vitale held what
21 position?

22 A. He was the underboss of the Bonanno crime family.

23 Q. For how long a period of time?

24 A. Quite a long period of time. I guess over 10 years.

25 Q. And did Mr. Vitale explain to you that when the boss

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1 is either incarcerated or when he dies, the family reverts
2 to the consiglere?

3 A. That would be in lieu of the boss naming somebody to
4 act for him. Yes.

5 Q. Well, if the boss is incarcerated unexpectedly or
6 dies unexpectedly, certainly he hasn't named anyone yet.
7 Right?

8 A. If you look in all the times the bosses have gone to
9 jail, nine out of ten times they name an acting position.

10 It doesn't revert to the consigliere for any
11 period of time. No substantial period of time.

12 Q. But if that happens, it certainly doesn't revert to
13 underboss. Right?

14 A. It doesn't happen, but sometimes it does.

15 Q. In what instances has it?

16 A. Has it?

17 Q. Yes.

18 A. Reverted to the underboss?

19 It would have to be in the instance that the
20 boss says that he's acting underboss in his absence.

21 Q. In what instances has that occurred?

22 A. I would have to go through each boss that went to
23 jail. I don't know in particular.

24 Q. Well, Mr. Cariello, you are an expert in organized
25 crime. Right?

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1 A. Yes.

2 Q. And you have talked about all five families?

3 A. Yes.

4 Q. So give us an instance where that occurred.

5 A. When Joe Massino was named the boss of the Bonanno

6 family, in his absence Sal Vitale became the acting boss.

7 He was the underboss. He named him to lead the family.

8 Also, Anthony Spero, who was the consigliere,

9 but it would be Massino's decision.

10 Q. So Sal Vitale was actually the acting boss, running

11 the family while Mr. Massino was in jail?

12 A. Well, at different periods of time it was Anthony

13 Spero who was running it.

14 Sal Vitale was running it. I don't know if he

15 had the actual title acting boss, but he was running

16 things on the street for a period of time, yes.

17 Q. Let's be specific.

18 A. Okay.

19 Q. When is it that Joe Massino went to jail?

20 A. He was already in jail when he was named the boss of

21 the Bonanno crime family.

22 Q. When was that?

23 A. Upon Phil Rastelli's death, around '91.

24 Q. So while he was incarcerated in 1991, he was named

25 the official boss of the family.

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1 A. The captains vote him in. Yes.

2 Q. And what was Mr. Vitale's position at that time?

3 A. I believe he was on the administration, I'm not sure
4 specifically what his position was, prior to Joe becoming
5 the boss.

6 Q. Mr. Vitale is actually a cooperating witness who you
7 met with personally. Right?

8 A. That's correct.

9 Q. And you don't know what his position was?

10 A. I would have to read reports.

11 Yes, he was the official underboss after Joe
12 Massino became the boss. You are asking me what he was
13 prior to that?

14 Q. Yes.

15 A. He was a captain. I'm not sure if he was on the
16 administration.

17 Q. When did Mr. Vitale become the official underboss?

18 A. When Joe Massino was named the boss, after 1991.

19 Q. While Joe Massino was in prison?

20 A. Yes.

21 Q. And Joe Massino, your testimony is that Joe Massino
22 named him the official underboss and also made him the
23 acting boss.

24 A. At different periods of time he was running the
25 family. If he had that official position, you would have

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1 to ask him. I don't recall.

2 Q. Well, you testified about numerous official positions
3 and acting positions that various people in the Colombo
4 family have held. Right?

5 A. That is correct.

6 Q. How many Bonanno-related trials have you testified
7 at, Mr. Cariello?

8 A. Say half a dozen.

9 Q. A half a dozen.

10 A. Yes.

11 Q. And how many Colombo-related trial have you testified
12 at?

13 A. Between state and federal? Maybe two or three.

14 Q. How many federal?

15 A. Federal? Just one.

16 Q. And how many federal Bonanno-related cases have you
17 testified at?

18 A. Probably about six or seven.

19 Q. And you testified against, you testified at a trial
20 on behalf of the government, a trial against Joe Massino.
21 Right?

22 A. Not in this capacity. No.

23 Q. You testified, nevertheless?

24 A. As a fact witness. Yes.

25 Q. As a fact witness; meaning, you had personal

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1 information?

2 A. Yes. I executed a search warrant in one of the
3 locations.

4 Q. And you testified at two trials against a man named
5 Vincent Basciano. Right?

6 A. That's correct.

7 Q. And what was his position?

8 A. He became the acting boss of the Bonanno crime
9 family.

10 Q. And certainly you had to testify about positions of
11 various people in the Bonanno family during those two
12 trials. Right?

13 A. That's correct.

14 Q. Well, did you know, when you testified during those
15 trials, what position Sal Vitale held?

16 A. I said the official underboss. Yes.

17 Q. And what about the acting boss?

18 A. He had an acting position as boss, as did Anthony
19 Spero, at different times until Joe Massino was released
20 from jail.

21 Q. Were you present in the courtroom for any of Sal
22 Vitale's testimony during any of those trials?

23 A. No, I wasn't.

24 Q. Did you speak to him prior to your testimony in any
25 of those trials?

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1 A. Yes. On prior occasions. Not just before I
2 testified, no.

3 Q. And the information that you testified about there
4 and the information you are testifying about here is based
5 certainly in part on information that Mr. Vitale has given
6 you. Right?

7 A. Yes. Some of it, yes.

8 Q. Well, certainly about positions of people in the
9 Bonanno family including his own. Right?

10 A. Yes.

11 Q. Now, you actually participated in an interview with
12 Mr. Vitale back in 2003. Right?

13 A. 2003?

14 Q. Yes.

15 A. I could have. Yes.

16 Q. Well, could I show you something to refresh your
17 recollection?

18 A. Sure.

19 THE COURT: Can you tell us what it is?

20 MS. KEDI A: Yes. I'm handing up a copy actually
21 to the court because I don't know that the court would
22 have it here, marked as 3500 FE184.

23 THE WITNESS: You would have to tell me whose
24 paperwork this is.

25 BY MS. KEDI A:

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1 Q. Well, I'm just showing you a document and asking you 1175
2 if this refreshes your recollection that on July 10, 2003,
3 you participated in an interview with Mr. Vitalie.

4 A. I met with Mr. Vitalie along with Ken McCabe.

5 I'm just not sure of that exact date. It is not
6 my paperwork.

7 Q. Okay. But you recall sometime in 2003, whether it be
8 July 10 or some other date --

9 A. Yes.

10 Q. -- participating in an interview?

11 A. Yes.

12 Q. When you say along with Ken McCabe, were you not the
13 head guy during that interview?

14 A. Kenneth McCabe was the investigator in the Southern
15 District. I was a detective with the New York City Police
16 Department.

17 (Continued on the following page.)

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1 CROSS-EXAMINATION (Continued)

2 BY MS. KEDI A:

3 Q. And since July 10th of 2003, or whatever date it was,
4 have you met with him subsequently?

5 A. I met with him several times. I don't know if it was
6 before or after. But I haven't met with him over the last
7 seven years, no.

8 Q. I'm sorry. The -- over the last you said?

9 A. I met with him on several occasions, but not over the
10 last couple of years. That may have been the last time I
11 met with him. I'm not sure.

12 Q. Now, you testified that there is a point in time that
13 Andrew Russo is the acting boss of the Colombo family?

14 A. Yes.

15 Q. And that certainly is information that you received
16 from Dom Bataglia, right?

17 A. I actually received that from informants.

18 Q. When you say informant, what informant?

19 A. Informants that I have had over the years informed
20 me -- several of them that -- about that Russo was the
21 acting boss at this particular time.

22 Q. Well, when you say the word informant, what do you
23 mean?

24 A. They are people that I speak to that are involved in
25 organized crime that supply me with information as to

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1 sometimes the illegal activities, sometimes the status of
2 people in the families.

3 Q. And when you say people you speak to, you're talking
4 about members and associates of organized crime?

5 A. Yes.

6 Q. And when you use the word informants, are you
7 distinguishing between people who have actually entered
8 into cooperation agreements with the government, or people
9 who are just out on the street supplying you with
10 information?

11 A. When I say informants, I'm referring to people that
12 are still out on the streets supplying information.

13 Q. What period of time is it that these informants
14 advised you that Andrew Russo was the acting boss?

15 A. In the 1990's, after the Colombo wars, approximately
16 1995 on.

17 Q. And the Colombo war was from 1991 to 1993?

18 A. The violence began in 1991. I think the last murder
19 was in 1993.

20 Q. So in 1993, right at the end of 1993, the violence
21 was over?

22 A. Yes.

23 Q. And then Andrew Russo became the acting boss?

24 A. I don't know if right after. I learned that he was
25 the acting boss a year or two after that.

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1 Q. Well, when you say you don't know if right after, did
2 you ask those questions to your informant?

3 A. Well, at the time, if you're talking about the early
4 1990's, I was involved in investigations, not in the
5 intelligence end of organized crime. So whatever case in
6 particular you're involved with at the time, that is what
7 you get the information on.

8 So it wasn't as what I do now, which is trying
9 to obtain information on all of organized crime. It
10 was --

11 Q. So now you're here testifying in a trial where you
12 understand people are charged with being members of the
13 Colombo family?

14 A. That's correct.

15 MR. BURETTA: Objection.

16 THE COURT: Sustained.

17 BY MS. KEDA:

18 Q. You're testifying for a purpose. Right? Not as a
19 detective or investigator?

20 A. Well, that is part of my experience. But, yes.

21 Q. And in fact, as an expert witness, you testified
22 about occurrences back in the early 1900's. Right?

23 A. Yes.

24 Q. And where did you get that information?

25 A. Well, just reading documents. I was asked questions

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1 about it. I followed the history of it. It's nothing, no
2 official documents I needed to brief anybody that I had
3 direct information on that. They are just either from the
4 US Attorney's office or the FBI.

5 Q. Well, Mr. Cariello, you have to brief people certainly
6 about the events of the last 10, 15 years. Right?

7 A. Yes, I have.

8 Q. And when you say that you don't know if Andrew Russo
9 became the acting boss right after the Colombo wars, did
10 you ask any of your informants or cooperators that
11 question?

12 A. Yes, I have. But just if I can explain.

13 If I don't feel that the information is strong
14 enough or where it's coming from, it cannot be
15 corroborated, I'm not going to testify in court about it.
16 So yeah, I have information coming in all the time.

17 I know as of 1995 that Andrew Russo, from
18 informants, was the acting boss. I can't in good
19 conscience stand here and say that he was. I believe he
20 was after the wars ended, but I can't say that with
21 certainty. So I'm refraining from saying that. So that's
22 all.

23 Q. Now, you also received information certainly from
24 various FBI agents. Right?

25 A. Yes.

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1 Q. And how often do you speak to the FBI about their
2 knowledge of various facts?

3 A. There is no protocol. It is basically from squad to
4 squad. A lot of it is on personal relationships. I get
5 more information from particular squads in my position.

6 I'm not a -- I'm not conducting investigations.

7 I'm trying to keep abreast of what is going on with the
8 five families. So it varies from squad to squad, agent to
9 agent.

10 Q. So, meaning that you call various agents and ask them
11 questions about various people's positions?

12 A. At times. Sometimes vice versa; they will ask me if
13 I have information.

14 Q. If you have information about any particular person?

15 A. Specific people. Sure.

16 Q. You're aware, Mr. Carillo, from your sources, whether
17 it be the FBI or cooperators or informants, that in 2000,
18 a man by the name of Sallie Fusco, he was the acting boss
19 of the Colombo family. Right?

20 A. No, I don't have that information. No.

21 Q. Have you ever spoken to an FBI agent by the name of
22 Lewicky (ph)?

23 A. No.

24 Q. And did the FBI ever supply you with the information
25 that Mr. Fusco was the acting boss in 2000?

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1 A. No, they haven't.

2 Q. Mr. Cariello, do you ever get an opportunity to read
3 various affidavits that FBI agents submit to courts in
4 support of various applications?

5 A. Sometimes, yes.

6 Q. And in those affidavits, often the FBI states who it
7 believes to be in a certain position. Right?

8 A. That's correct.

9 Q. And have you ever seen an affidavit that states that
10 Sallie Fusco was the acting boss in 2000?

11 A. No, I haven't.

12 Q. What about Joel Cacace? Do you know him to have been
13 the acting boss of the Colombo family?

14 A. For a period of time I received information from
15 informants that he was the official consigliere, and that
16 he may have been running things on the street. But there
17 was no certainty involved, so I couldn't corroborate it.

18 Q. Well, what period of time are we talking about?

19 A. It would be prior -- sometime in the early 2000's. I
20 don't remember, 2001, 2002. Sometime before his arrest.

21 Q. Before his arrest, which was in 2003?

22 A. Yes. Early 2003, January. Yes.

23 Q. And prior to that you had specifically received
24 information from whom that he was the acting boss?

25 A. From sources, informants.

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1 Q. And the FBI, as well?

2 A. I'm sorry. Did you say acting boss?

3 Q. Acting boss, yes.

4 A. He -- it was never presented to me that way. That is
5 why I said I didn't corroborate.

6 I was told he was the official consigliare, and
7 he may be acting as like a street boss on the street.

8 Because there were periods of time when there was nobody
9 in particular running things on the street. Voids needed
10 to be filled. So --

11 Q. And what's the difference, Mr. Cari llo, between a
12 street boss and an acting boss?

13 A. I believe it's a play on words sometimes, to have the
14 same position. If you have a boss and you have an acting
15 boss, the acting boss is incapacitated for some reason and
16 they want to leave him with that title, then they will use
17 street boss, which means he is meeting with the captains
18 in representing the administration of the family.

19 Q. Well, Mr. Cari llo, what does the term acting mean?

20 A. Acting is a temporary position.

21 Q. And it is a position that a person has because he can
22 actually fill the official position that he is in a
23 capacity to act?

24 A. Yes.

25 Q. So once the acting person is incarcerated, certainly

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1 he is not in a position to act anymore. Right?

2 A. Usually not. Certain circumstances, I have seen
3 where acting positions stay for particular reasons.

4 Q. But in 2000, 2001, 2002, your information was that a
5 man by the name of Joel Cacace was running things on the
6 streets?

7 A. I didn't say for all of those years. For a period of
8 time I received information that I couldn't corroborate
9 further through my sources. Also, it is the type of
10 sources that you have. You know.

11 Q. Did you ask the FBI?

12 A. No. At that time, no.

13 Q. Are you aware that this government took the position
14 when they arrested Mr. Cacace --

15 MR. BURETTA: Objection.

16 THE COURT: Sustained. Sustained.

17 BY MS. KEDI A:

18 Q. Well, are you aware of various positions that the
19 government takes about the positions of people in various
20 families?

21 A. Yes.

22 MR. BURETTA: Objection.

23 THE COURT: Sustained.

24 BY MS. KEDI A:

25 Q. Well, Mr. Cariello, I would like to show you what I'm

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1 marking as Defendant's Persico U.

2 Can you take a look at that document and read it
3 to yourself? Read the first portion.

4 A. Yes. In particular what would you like, because it
5 is several pages? Do you want me to read the whole thing?

6 Q. The first page and any other page that you would like
7 to read.

8 But I specifically direct your attention to the
9 first paragraph.

10 A. The first paragraph?

11 Q. Yes.

12 A. I'm finished.

13 Q. Now, having read that, does that in any way refresh
14 your recollection that, in fact, Mr. Cacace was the acting
15 boss in the early 2000's, prior to his incarceration in
16 January of 2003?

17 A. Again, I said that I had heard he was the acting boss
18 from informants. I'm not disputing the fact. Whoever
19 filed this affidavit, they may have their own sources that
20 I wasn't privy to.

21 Q. So meaning the FBI had certain information and you
22 have certain information, and it is not always exchanged?

23 A. Well, more so now it is. But at the time of this
24 arrest, I was with the New York City Police Department.
25 And they are two separate agencies. And just sometimes

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1 there is not a constant communication. Not for any
2 particular reason; it is just -- it just doesn't happen
3 all the time.

4 Q. But the people that you testified about that are up
5 on that chart, most of the positions you testified about
6 are a period of time when you were in the New York City
7 Police Department. Right?

8 A. That's correct.

9 Q. Not while you were an expert here in court. Right?

10 A. That's correct.

11 Q. Now, you testified about a membership in organized
12 crime families.

13 In order to become a member, there are several
14 ways that you can become a member. Right?

15 A. Several ways?

16 Q. Right.

17 A. You would have to elaborate for me.

18 Q. Well, what does it take to become a member,
19 Mr. Cariello?

20 A. You have to be sponsored by a member of Cosa Nostra.
21 You have to be of Italian descent; at least on your
22 father's side. You have to be male in gender. And you
23 usually have to be either capable of violence or earning
24 capability -- earning money through illegal activities for
25 the family.

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1 Q. When you say usually, certainly there are occasions
2 where someone becomes a made member and that is not
3 necessarily the case. Right?

4 A. Sure.

5 Q. And in fact, sometimes someone becomes a member
6 simply because they are related to someone else that is a
7 member. Right?

8 A. That happens. Sure.

9 Q. And when you testified about being on record, and
10 being around somebody with somebody, you said that that is
11 somebody who is an associate. Right?

12 A. That's correct.

13 Q. Now, you used the word associate. Whose term is
14 that?

15 A. An associate?

16 Q. Yes.

17 A. What do you mean, as far as law enforcement or Cosa
18 Nostra.

19 Q. Yes.

20 A. They have been both.

21 Q. So it is your view that members of the organized
22 crime are associates of organized crime, you described
23 associates go around saying, Now, you're an associate?

24 A. No. I think they would use the term more like, That
25 guy is with Joe, or That guy's with -- Oh, that guy's

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1 around somebody.

2 The terms we used before, more than associate.

3 But members and associates of crime factions use the words
4 associate. That happens. They don't --

5 Q. Well, certainly you know, Mr. Cari llo, in your expert
6 opinion and having studied the history of organized crime
7 that the term associate is a term that came around because
8 of the government. Right?

9 A. Well, if someone is associated to a member. So --

10 Q. Well, you say somebody associated. Certainly not
11 everyone who is associated with a member of organized
12 crime is an associate. Right?

13 A. Well, I'm talking about criminal activities or
14 fronting legitimate business, some way associated to
15 illegal activities. That's what I would call an
16 associate. Not somebody's next-door neighbor that they
17 are friends with for 13 years. I try to associate a
18 difference between.

19 Q. What about someone who is engaged in legal activity,
20 legal as opposed to illegal, with a member?

21 MR. BURETTA: Objection to form.

22 THE COURT: Sustained.

23 BY MS. KEDI A:

24 Q. Well, when you say someone engaged in illegal
25 activity is an associate of organized crime. If a member

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1 of organized crime is in business -- in a legitimate
2 business with another person, is that person automatically
3 an associate?

4 A. It's all according to whether through investigations,
5 if we see that the money to fuel the business is from
6 illegal proceeds. And if that person is fronting the
7 organization in a restaurant or whatever business, then
8 they would be an associate.

9 Q. Well, you testified at many prior trials about
10 different kinds of associates. Right?

11 A. Yes.

12 Q. And can you explain some of the different types of
13 associates?

14 A. Well, the first would be somebody involved in illegal
15 activities, running a loansharking business or a chop shop
16 or a gambling business. That is criminal activity.

17 Then there is also people that will open up
18 businesses for an organized crime member and use their
19 money to launder the money, clean the money through the
20 business.

21 There are other types. If there are other types
22 you would have to refresh my recollection. I'm sure there
23 are other types than I discussed.

24 Q. Well, certainly there are people who want to become
25 members of organized crime but never actually make it.

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1 Right?

2 A. Well, if they meet the criteria, sure; they are
3 Italian, associates, they could become members. Sure.

4 Q. But certainly there are others, something that you
5 call wannabes?

6 A. Wannabes, sure.

7 Q. Now, you talked about committees that are set up on
8 the streets?

9 A. Yes.

10 Q. And committees are set up when there is an active
11 administration in place to run things?

12 A. It varies. It varies. Joe Massino of the Bonanno
13 family had a committee when he was acting -- was the boss
14 out there. He had a committee to insulate himself from
15 the rest of the family.

16 Q. And what does a committee consist of?

17 A. At various times, different captains in the family
18 who rotate.

19 Q. What period of time are we talking about?

20 A. A period of --

21 MR. BURETTA: Objection. Relevance.

22 MS. KEDIA: This is highly relevant to a
23 cooperator that is coming to testify, your Honor.

24 THE COURT: Please don't talk in front of the
25 jury.

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1 MS. KEDI A: I'm sorry.

2 THE COURT: Your objection is overruled.

3 MR. BURETTA: I would ask that the jury be
4 instructed to disregard counsel's comment.

5 THE COURT: Yes. Disregard the comment.

6 A. I'm sorry you wanted the dates of when he had --

7 BY MS. KEDI A:

8 Q. Yes.

9 A. Up until his incarceration, to probably -- I don't
10 know exactly how many years he had it. But the last
11 several years before Massino was arrested, he had two or
12 three captains on a committee that would rotate every six
13 months, I believe.

14 Q. Well, when you say it would rotate every six months,
15 what is the reason that it would rotate?

16 A. Well, it would give the captains a chance to serve on
17 the administration. And I don't know the exact reason why
18 he rotated.

19 It was every several months he would switch two,
20 three captains. They would go back to their crews, and
21 two or three new captains would serve on the committee. I
22 don't know exactly why he rotated them.

23 Q. Well, Mr. Cariillo, do you not have any understanding
24 that when a captain went to jail, a new person would serve
25 on a committee, and that is why the rotation was done?

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1 A. No. But that wasn't the only reason. They would
2 rotate them in and out whether they were arrested or not.

3 Q. Now, an acting position, Mr. Cariello, is a temporary
4 position. Right?

5 A. Yes.

6 Q. And it can be a temporary position that someone holds
7 for a month or a day, and it can be a temporary position
8 that someone holds for years. Is that right?

9 A. Yes.

10 Q. When someone becomes incarcerated, whether it be the
11 boss or the underboss or a captain, generally is an acting
12 person appointed to act in that person's position?

13 A. According to how long they would be incarcerated,
14 yes.

15 Q. And who decides who is going to be in that position
16 to hold the acting position?

17 A. The boss.

18 Q. For every position?

19 A. Well, if you're a captain and you're going to jail
20 for a year or two, you could suggest to the administration
21 who you would like to serve in your absence. But the
22 ultimate decision is the boss'.

23 Q. And if the acting boss believes he is going to jail
24 for a year or two, he can choose who should fill his
25 position?

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1 A. When you have a position of an acting boss, the boss
2 gives you different powers. Some acting bosses have had
3 the power to make very large decisions without consulting
4 the boss, and some haven't. So you would have to be more,
5 you know, acting boss to acting boss.

6 Q. So it depends on the particular situation?

7 A. Yes, it does.

8 Q. With -- when an acting boss is incarcerated, either
9 he or the boss or the other, can choose who runs things on
10 the street in his absence. Right?

11 A. Correct.

12 Q. Now, you talked about various rules in organized
13 crime. And one of the rules is that members are told that
14 the family comes before everything else. Right?

15 A. I didn't say that here, but that is one of the rules,
16 yes.

17 Q. And a rule is, you have to put everything on record
18 with your captain. Right?

19 A. Yes.

20 Q. Whether it's legal or illegal?

21 A. If you're a member, yes.

22 Q. And if you get involved with another Cosa Nostra
23 member's family, particularly a female, it has to be for
24 good intentions. Right?

25 A. Yes.

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1 Q. And what do you mean when you say good intentions?

2 A. Well, if you're going to have a relationship with
3 somebody's daughter or sister, it has to be with good
4 intentions. You have to have a relationship in mind,
5 maybe possibly engagement, marriage, that type of thing.
6 They don't want you having short-term relationships with
7 other member's relatives.

8 Q. Well, certainly having a relationship with someone's
9 wife would not be good intentions. Right?

10 A. I don't believe so, no.

11 Q. Now, a lot of these rules are broken quite
12 frequently. Right?

13 A. Yes, they are.

14 Q. And there is a range of penalties for breaking the
15 rules. Right?

16 A. Yes.

17 Q. Tell us about the range.

18 A. It could go from being killed, being shelved, being
19 disciplined, having things taken away from you -- you
20 know, certain activities. If you're involved in a
21 bookmaking operation, they may take it away from you. It
22 is all up to the boss of that family.

23 Q. And often, Mr. Carillo, the penalty -- the discipline
24 imposed is a verbal reprimand. Right?

25 A. That's -- as to what infraction?

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1 Q. As to any infraction.

2 A. No, I think the penalties range for more than, for an
3 infraction. So you would have to tell me which one. And
4 generally speaking, if you broke certain rules, I would
5 think you would have more of a tendency to be the victim
6 of violence than others.

7 Q. Now, certainly violence is something that can be a
8 penalty. Right?

9 A. Sure.

10 Q. And certainly, Mr. Cariello, a verbal reprimand is
11 something that could be a penalty. Right?

12 A. Or nothing.

13 Q. Or do or nothing at all?

14 A. Sure.

15 Q. It is up to the boss' part?

16 A. Yes.

17 Q. And there is the same range of penalties that occurs
18 for not putting some crime that someone is committing on
19 record. Right?

20 A. That can range, also, yes.

21 Q. From being -- from nothing to being killed. Right?

22 A. Sure.

23 Q. And one form of discipline could be, for example, not
24 promoting someone. Right?

25 A. Someone that is up to be a captain.

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1 Q. Right.

2 A. Or get knocked down.

3 Q. Or even get knocked down further?

4 A. Sure.

5 Q. But if somebody is a soldier, for example, and they
6 might become captain, or they are being considered to
7 become a captain, a penalty can be you're not going to be
8 a captain anymore. Right?

9 A. I guess so, sure.

10 Q. And similarly, an associate is being considered to be
11 a soldier, a penalty could be we're not going to make you?

12 A. That happens quite often, yes.

13 Q. Quite often?

14 A. They hold somebody up because of something they
15 consider an infraction, true.

16 Q. Now, when you're a soldier and you want permission to
17 hurt or to kill someone, you're supposed to go to your
18 captain as opposed to the administration. Right?

19 A. That is the protocol, yes.

20 Q. And then the captain is to go to the administration
21 if, in fact, he wants to do so. Right?

22 A. Yes. Well, he has to. He can't give permission to a
23 soldier. That is unauthorized. A murder would be
24 unsanctioned.

25 Q. And certainly unsanctioned murders occur?

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1 A. Sure.

2 Q. Quite frequently?

3 A. They happen, sure.

4 Q. And certainly there are occasions where soldiers
5 don't even go to their captains. Right?

6 A. Soldiers?

7 Q. Don't even go to their captains for permission to
8 commit various crimes. Right?

9 A. That would be an -- we're talking about murder?

10 Q. Okay. Murder.

11 A. Yes, sure. That would be an unsanctioned murder,
12 sure.

13 Q. And there are situations where the captains don't go
14 to the administration, that also would be an unsanctioned
15 murder?

16 A. Right.

17 Q. But it happens. Right?

18 A. Sure.

19 Q. And you talked about the term shelving someone.

20 And that again is something that someone in the
21 administration can do. Right? Shelf someone in a lower
22 position?

23 A. I would think it would have to come from the boss.

24 Q. The boss certainly has the authority to shelf anyone
25 else in the family. Right?

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1 A. Yes.

2 Q. And shelving simply means putting them to the side.

3 Right?

4 A. Putting them on the shelf. They can't -- they cannot

5 operate as a member of Cosa Nostra.

6 Q. And the boss is able to do that to anyone else in the

7 family, including the underboss. Right?

8 A. Yes.

9 Q. And it can be a temporary shelving, or it can be a

10 long term shelving. Right?

11 A. Yes.

12 Q. It could be for a year, for example, or it could be

13 for a lifetime?

14 A. Sure.

15 Q. Now, when someone is shelved, they are essentially

16 considered inactive, as if they were incarcerated, for

17 example?

18 MR. BURETTA: Objection to form.

19 THE COURT: Sustained.

20 BY MS. KEDIA:

21 Q. Well, when somebody is shelved, they're considered

22 inactive. Right?

23 A. Yes.

24 Q. Now, there are instances that you're aware of,

25 Mr. Cariello, where a soldier has tried to kill another

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1 soldier without permission. Right?

2 A. Sure.

3 Q. And there are rules, there is a way it is supposed to
4 be. Right?

5 A. You're supposed to ask your captain, to -- if it is
6 your own family, your boss has to approve it. If it is of
7 another family, the boss of the other family has to
8 approve it.

9 Q. Right. But, so those are the rules. Right?

10 A. The rules, yes.

11 Q. But certainly they are broken constantly, those rules
12 as well?

13 A. All of the rules are broken and manipulated, yes.

14 Q. And often from the start, Mr. Cariello, when people
15 are inducted into an organized crime family, people are
16 lying to each other. Right?

17 A. Often, when they are inducted?

18 Q. Yes. They are lying about what they have been doing.

19 A. If you could be more -- if you give me a specific,
20 then I'll -- I don't know what you mean by lying before
21 they are inducted.

22 Q. Well, for example, there are members who are dealing
23 drugs. Right?

24 A. Oh, sure.

25 Q. And they lie and say they are not dealing drugs to

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1 their superiors. Right?

2 A. Sure.

3 Q. And those kind of situations where members lie about
4 their activities happen often. Right?

5 A. Sure.

6 Q. And they are lying to their superiors. Right?

7 A. Yes.

8 Q. And sometimes it is even known that they are lying.
9 For example, sometimes it is even known that the person is
10 dealing drugs, and it is just ignored. Right?

11 A. I'm sure it does. Yes, if it is in the benefit of
12 the people making money and hiding it, sure.

13 Q. Now, when someone who is a member or associate of
14 organized crime is ordered to do something by his
15 superior, he has to do it. Right?

16 A. Yes.

17 Q. So if a soldier orders an associate who is on record
18 with him to participate in a crime, he is required?

19 A. He is required. But they have requirements in Cosa
20 Nostra that are really among the members. Even if
21 somebody is on record, and if somebody disobeys an
22 order -- that is, a soldier from his captain, the
23 punishment is likely to be more severe than somebody
24 outside the family.

25 Somebody outside the family they can just chase

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1 them and say, We don't want you around here anymore. So
2 when you deal with associates, it is a little different
3 than the soldiers.

4 Q. Well, when you say they could chase them, they could
5 also kill them. Right?

6 A. Sure.

7 Q. And certainly that happens. Right?

8 A. Sure, many associates.

9 Q. Now, you talked about a sit-down, and people --
10 again, the term sit-down, where does that come from?

11 A. Where its origin is?

12 Q. Yes.

13 A. I don't know the origin of the exact words. I know
14 what it means.

15 Q. Well, you talked about sit-downs. A sit-down was
16 occurring between members of the same rank. Right?

17 A. Oh, yes. In other words, the formality of it, yes.
18 You have to be of the same rank. It doesn't always occur,
19 but that is the way it is supposed to be. You're supposed
20 to be represented by the same rank on both sides.

21 Q. So a captain and a captain. A captain in this family
22 and captain in this family. Right?

23 A. Well, the same family.

24 Q. Or the same family.

25 A. It is two different groups.

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1 Q. And how is a sit-down arranged?

2 A. It is arranged by somebody setting up a meeting
3 location. Both people have to agree to the sit-down. And
4 then they are represented at the meeting.

5 Q. Well, when you say somebody setting up a meeting,
6 certainly the boss doesn't get involved in a sit-down.
7 Right?

8 A. No. It could be set up by associates, soldiers.
9 Every sit-down would have its own circumstances.

10 Q. On any level?

11 A. Sure. What do you mean? As far as bosses meeting?

12 Q. On any level a soldier can set up a sit-down?

13 A. Sure.

14 Q. A captain can set up a sit-down. A consigliere can
15 set up a sit-down?

16 A. Sure.

17 Q. And an underboss can set up a sit-down?

18 A. Sure.

19 Q. And before an underboss sets up a sit-down, he calls
20 another underboss and says, Can you come to the sit-down.

21 Right?

22 A. Well, they usually go through it by messengers. They
23 would send messengers to try to set it up.

24 Q. So someone in the other family would go to someone
25 lower than the underboss?

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1 A. Probably, yes.
2 Q. But maybe the underboss sometimes will say?
3 A. Somebody close to him.
4 Q. I would want to meet with you?
5 A. Yes.
6 Q. And that occurs?
7 A. Yes.
8 Q. You talked about something called a walk-and-talk,
9 that members and associates engage in to avoid
10 surveillance. Right?
11

12 Mr. Cariello, generally speaking, when you
13 conduct surveillances or law enforcement conducts
14 surveillance of social clubs, the subjects know they are
15 being surveilled. Right?

16 A. Correct.

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 BY MS. KEDI A:

20 Q. Well, you know instances where members and associates
21 can even have the places in the social clubs swept for
22 bugs. Right?

23 A. Yes.

24 Q. And there are instances where the members and
25 associates say hello to the law enforcement officers.
Right?

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1 A. Sometimes, yes.

2 Q. They get to know the people they are, who are
3 surveilling them. They know who it is?

4 A. I have done thousands, and I'm not on a firsthand
5 basis with anybody. So --

6 Q. But you certainly know they know where people are?

7 A. Yes.

8 Q. Now, when people or members of organized crime are
9 typically being surveilled, are there certain locations
10 where law enforcement goes to surveil?

11 A. It is all according to -- the circumstances are
12 different. What do you mean? As far as social clubs?

13 Q. Right.

14 A. There are places that we have done more surveillances
15 than other, one being social clubs. Yes.

16 Q. And sometimes members of organized crime engage in a
17 certain routine, and they are surveilled with -- with that
18 routine. Correct?

19 A. Yes.

20 Q. Because law enforcement knows the routine of the
21 person?

22 A. Sometimes, yes.

23 Q. And you testified that there is only one way out of
24 the Mafia. Right?

25 A. Yes.

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1 Q. One way in and one way out?

2 A. Yes.

3 Q. Well, you certainly understand that members are no
4 longer active, or maybe because of old age or something?

5 A. Still members.

6 Q. And what about people moving away?

7 A. Just moving away on their own?

8 Q. Right.

9 A. They are still members.

10 Q. Well, you know about the three Bonanno members who
11 left the Mafia without cooperating and without being
12 killed by moving away. Right?

13 A. But they are still members.

14 Q. When you say they are still members; they are gone
15 and they are not active. Right?

16 A. Well, can I give you an example?

17 Every year Cosa Nostra is allowed to replace
18 dead members. Each family is allotted a certain amount of
19 people. So if three people die in a particular year, you
20 can replace the three members plus two additional over the
21 last several years.

22 You can't replace those people until they die,
23 whether they move away, whether they cooperate, no matter
24 what the circumstances are. They are still carried as a
25 member of your family.

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1 Q. Okay. But they are not actually participating as a
2 member of your family. Right? Even though you're not
3 allowed to replace them?

4 A. Well, that is different. As is somebody that is
5 shelved. They are not actively participating, but they
6 are still a member of that family.

7 Q. Well, do you know a guy by the name of Joe Beans or
8 Joe Campanella who lives in Florida?

9 A. Yes.

10 Q. And it's a different Joe Campanella that we're
11 talking about here?

12 A. Yes, uh-huh.

13 Q. And do you know a guy with the name of Little Charlie
14 Travellla; he went to upstate New York?

15 A. Sure.

16 Q. And Mickey Cardello who moved to Texas?

17 A. Right.

18 Q. And all of those people received permission from the
19 boss to move?

20 A. Received permission, no.

21 Q. They didn't?

22 A. No, not -- you said all of them. Charlie Travellla
23 just left. They were trying to get him back in the fold,
24 and the same thing with Cardello. He was conversing.

25 Cardello, he was conversing with the boss to

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1 come back. The boss wanted him back. He was sending him
2 messages.

3 Q. And -- but he left?

4 A. He didn't want to come back. Right.

5 Q. He remained in Texas?

6 A. Yes.

7 Q. And what about Joe Beans or Joe Campanella?

8 A. He had -- may have received permission. People
9 relocate to Florida and continue illegal activities all
10 the time.

11 Q. And people relocate, and actually engage in legal
12 activities. Right?

13 A. You would have to give me the specifics of it.
14 Because if they got permission from the boss to leave the
15 state, it is usually for illegal activities, whether they
16 go to Florida, Vegas or wherever they relocate to. I'm
17 sure there are circumstances otherwise, but you would have
18 to tell me which ones.

19 THE COURT: Perhaps this would be a good time to
20 take a 15-minute break. And then we'll resume.

21 Thank you.

22 (A recess was taken at 11:11 a.m.)

23 (The jury entered the courtroom at 11:33 a.m.)

24 BY MS. KEDI A:

25 Q. Mr. Cariillo, when you are a member or associate of

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1 organized crime, there has to be, in order for you to meet
2 another member, there has to be an official introduction.

3 Right?

4 A. Yes. Not an associate, a member, right.

5 Q. Well an associate, how does an associate meet a
6 member?

7 A. You're not supposed to.

8 Q. And only a member is supposed to meet another member?

9 A. Supposed to. Yes.

10 Q. And you are introduced by a third party typically?

11 A. And the third party has to be a member also.

12 Q. So meaning, if a soldier wants to introduce someone
13 to another soldier, to a captain, there has to be three of
14 them?

15 A. Somebody making the introduction, and the two people
16 meeting that are both members too. So there are three
17 members in and introduction.

18 Q. And an associate wanting to speak to someone in an
19 administrative capacity, like a captain, how does that
20 occur?

21 A. Well if an associate is involved in illegal activity
22 with a captain, you can talk to him any time about the
23 illegal activity. But he can never meet with a captain in
24 an official capacity because he has no status. So as far
25 as like Cosa Nostra business or sit-downs, he couldn't

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1 meet with a captain by protocol, by rules. Does it
2 happen? Sure.

3 Q. I'm talking about, we're talking about two people who
4 know each other. When you say they are involved in
5 illegal activity at this time; and associate and a
6 captain, people who are known to each other?

7 A. Yes.

8 Q. What about people who are not known to each other?

9 A. You're talking about associate again?

10 Q. Yes.

11 A. It would have to be an introduction, but not -- they
12 go, one member is introduced to another as a member of
13 ours. I can't say that he is not a member. You can
14 introduce anybody to anybody, but you're not supposed to
15 introduce the associate -- this is a caporegime, or
16 Bonanno family, or Colombo family. It's not supposed to
17 happen.

18 Q. And certainly a soldier is not simply sending an
19 associate to a captain he has never met before. Right?

20 A. A soldier is sending an associate?

21 Q. His associate, a captain to his captain?

22 A. To set up a sit down or something like that?

23 Q. Yes.

24 A. It would have to be somebody who knows somebody in
25 the other family.

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1 Q. Now Mr. Cariillo, you talked about surveillances that
2 you had conducted. I think you said hundreds of
3 surveillances you conducted. Is that right?

4 A. Yes.

5 Q. And what is the purpose of these surveillances?

6 A. Well, they serve two purposes. If you're involved in
7 and investigation and you're up electronic eavesdropping,
8 listening to somebody's telephone call, or listening to
9 and instrument. Sometimes you're conducting that
10 surveillance pursuant to that intercepted call.

11 So one member says to another member; I'll meet
12 you at this club on this street. So you're setting up and
13 you're covering the surveillance.

14 Other times, especially years ago when social
15 clubs were frequented by more people, I could just set up
16 at a social club and see 30 members and 50 associates.
17 And that all helps for associations, putting them
18 together; this guy with this guy everyday. And you get a
19 sense of who is in whose crew. And even the way the
20 introductions are being made. So surveillances are a
21 lot --

22 Q. So when you say it shows association. You mean you
23 take pictures of those people?

24 A. If possible.

25 Q. And you discuss with other members of law enforcement

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1 who these people are, et cetera, and what information they
2 might have?

3 A. Yes.

4 Q. And when you -- and let's take the second type of
5 surveillance, not the eavesdropping type, the other type.

6 You go to a club and you surveil the place. You
7 generally try to take pictures of whomever you see?

8 A. It's all according to lighting. Yes, if you can.
9 Sure you do. Yes.

10 Q. And you try and write down people you see. Right?
11 That you recognize, or by description if you don't
12 recognize them?

13 A. Yes.

14 Q. And there are certain people who you might surveil
15 like at a social club every Tuesday night, for example, if
16 there is a pattern?

17 A. Yes.

18 Q. Now you talked a bit about somebody who you called
19 and informant.

20 When you say and informant, you're talking about
21 a confidential informant. Right?

22 A. Yes.

23 Q. Somebody who wants to stay anonymous, who doesn't
24 want it to be known by everyone that they're giving
25 information to law enforcement. Right?

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1 A. Yes.

2 Q. And there is another kind of person, apart from
3 obviously a law enforcement person, who also gives
4 information to law enforcement, called a cooperating
5 witness. Right?

6 A. Yes.

7 Q. And a cooperating witness is someone who is
8 testifying in exchange for a reduction in sentence. Is
9 that right?

10 THE COURT: Sustained.

11 BY MS. KEDI A:

12 Q. Well, a cooperating witness -- what is your
13 understanding?

14 A. It is someone that makes an agreement with the law
15 enforcement agency to give up information about criminal
16 activities or people involved in them, sometimes in
17 exchange for some type of consideration. But no deal
18 could be set.

19 It is a process that takes -- you have to
20 corroborate their information. No deal is set as far as
21 reduction in sentence, recommendations are made. But that
22 is decided by a Judge at some point.

23 Q. Well when you say that recommendations are made;
24 recommendations are made by whom?

25 MR. BURETTA: Objection.

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1 THE COURT: Sustained.

2 BY MS. KEDI A:

3 Q. And these cooperating witnesses -- cooperating
4 witnesses are people who have been arrested. Is that
5 correct?

6 A. Usually, yes.

7 Q. And they are usually in custody?

8 MR. BURETTA: Objection.

9 THE COURT: Sustained.

10 BY MS. KEDI A:

11 Q. Well in your experience, have you had cooperating
12 witnesses who are not in custody and you deal with them?

13 MR. BURETTA: Objection.

14 THE COURT: Sustained.

15 Please approach on this.

16 (The following occurred at sidebar.)

17 THE COURT: Your objection on this line of
18 questioning?

19 MR. BURETTA: It is beyond the scope, and it is
20 irrelevant.

21 MS. KEDI A: This person testified he is an
22 expert on organized crime. He has testified that part of
23 his expertise was based on information received from
24 cooperating witnesses and confidential informants.

25 He was engaged in this exact same line of

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1 questioning as recently as June of 2007, when he testified
2 in the Poli tano case, as well as in May of 2007 when he
3 testified in the Basciano case. And Mr. Buretta was the
4 prosecutor on that case.

5 MR. BURETTA: Judge, we're far afield about
6 cooperating witnesses. She has identified the difference
7 between a cooperating witness and a confidential
8 informant. And that has allowed her to explore the basis
9 for some of his opinions.

10 But he doesn't purport to be an expert and
11 wasn't qualified as an expert about the entire process
12 about how cooperating witnesses work. And it is
13 misleading the jury. Especially when she is asking the
14 questions that she has been, that don't accurately state
15 the nature of the relationship.

16 THE COURT: Did he testify as a defense witness
17 in the Basciano case?

18 MR. BURETTA: In part he did.

19 MS. KEDIA: As an expert witness largely, and
20 when he was testifying as an expert witness he
21 specifically talked about cooperating witnesses.

22 THE COURT: If you have specific questions about
23 a cooperating witness in this case, then I'll allow it,
24 for you to explore that with him. But you know, he is
25 here as an expert.

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1 MS. KEDIA: As an expert, part of his
2 information is obtained from cooperating witnesses. And I
3 want to explore from him as -- in every case he has
4 testified, the cooperating witnesses, he often finds out
5 the information that is given to him is false. That it
6 can't be corroborated. And sometimes it results in the
7 opposite. And it is not corroborated. And it is disputed
8 by other law enforcement, sources, or cooperators. And
9 certainly that is relevant when he gets here.

10 MR. BURETTA: That is not what he is being
11 questioned about at this point.

12 I don't object to her asking a line of questions
13 about, have you ever had an experience where someone lied
14 to you, et cetera.

15 But to try to portray how it works inaccurately
16 is my problem. And it is not appropriate for his
17 expertise.

18 THE COURT: You can ask about cooperating
19 witnesses and sentences. I think it is too far, so back
20 off of that.

21 MS. KEDIA: That is fine.

22 THE COURT: Ask specific questions.

23 (The following occurred in open court:)

24 THE COURT: The objection is sustained.

25 BY MS. KEDIA:

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1 Q. Mr. Cariello, when you deal with cooperating
2 witnesses, do you try to corroborate what they tell you?

3 A. Yes.

4 Q. And how is it that you try to corroborate their
5 information?

6 A. We try to corroborate sometimes through other
7 corroborating witnesses, informants, discussions with
8 other law enforcement agencies. You can go back to the
9 eavesdropping over past cases and try to corroborate the
10 information they are giving.

11 Q. And there are many instances where you know that
12 cooperating witnesses have lied. Right?

13 A. Many? Not many, no.

14 Q. Certainly some?

15 A. Yes.

16 Q. And certainly some cases where one cooperating
17 witness gives you some piece of information, and a
18 different cooperating witness actually contradicts that
19 information. Right?

20 A. That happens. Yes.

21 Q. Or law enforcement sources contradict the
22 information?

23 A. Yes.

24 Q. Have you ever participated in a proffer session? Do
25 you know what a proffer session is?

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1 A. Yes.

2 Q. What is a proffer session?

3 A. Where you sit down with the cooperator before and
4 agreement is signed, and they have to disclose everything
5 that they have done personally, and other illegal
6 activities that they know about.

7 Q. So this is someone who has been charged with a crime
8 generally?

9 A. Yes.

10 Q. And prior to entering into a proffer agreement, you
11 try to elicit information?

12 MR. BURETTA: I renew my objection.

13 THE COURT: Sustained.

14 BY MS. KEDI A:

15 Q. Well, have you ever participated in a proffer session
16 with someone who wasn't charged with a crime?

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 BY MS. KEDI A:

20 Q. Mr. Cariillo, you have testified at prior trials
21 certainly. Right?

22 A. Yes.

23 Q. And you specifically --

24 MR. BURETTA: Objection.

25 THE COURT: Asked and answered. Yes.

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1 BY MS. KEDI A:

2 Q. Do you know someone by the name of William Cutolo,
3 Jr?

4 A. I know who he is. I identified him. Yes.

5 Q. And do you believe him to be a cooperating witness?

6 A. Yes.

7 Q. Did you speak to him while he was a cooperating
8 witness?

9 A. No.

10 Q. Do you have any understanding of his cooperation?

11 MR. BURETTA: Objection.

12 THE COURT: Sustained.

13 BY MS. KEDI A:

14 Q. Have you ever been manipulated by, or do you know as
15 and expert, instances where law enforcement agents have
16 been manipulated by cooperating witness?

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 BY MS. KEDI A:

20 Q. Do you know of situations where cooperating witnesses
21 have continued to commit crimes?

22 A. After the agreement?

23 Q. Right.

24 A. It has happened. Yes.

25 Q. And do you know of situations where cooperating

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1 wi tnesses have fed law enforcement offi ci al s fal se
2 i nformation, so that they can continue to commi t cri mes?

3 MR. BURETTA: Obj ecti on.

4 THE COURT: Sustai ned.

5 BY MS. KEDI A:

6 Q. Well , you certai nl y know of i nstances where
7 cooperati ng wi tnesses were hid i ng i nformati on and lyi ng
8 about i nformati on. Ri ght?

9 A. It has happened. Yes.

10 Q. Now there are i nstances, Mr. Cari llo, where
11 i nformati on gi ven to you by cooperati ng wi tnesses can't be
12 corroborated at al l . Ri ght?

13 A. Yes.

14 Q. And there are i nstances where one cooperator
15 contradicts another cooperator, and ei ther one or both of
16 them i s lyi ng. Ri ght?

17 MR. BURETTA: Obj ecti on.

18 THE COURT: Overruled.

19 BY MS. KEDI A:

20 Q. Did you ever have that happen?

21 THE WI TNESS: Personal ly? No.

22 BY MS. KEDI A:

23 Q. Do you know of any law enforcement?

24 A. Yes.

25 (Conti nued on the fol lowi ng page.)

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1 | CROSS-EXAMINATION (Continued)

2 BY MS. KEDIA:

3 Q. And do you know of situations where that occurred
4 that the cooperators have kept their cooperation
5 agreements?

6 A. No.

7 Q. In all of law enforcement, you don't know of a
8 situation?

9 MR. BURETTA: Objection.

10 THE COURT: Sustained.

11 BY MS. KEDIA:

12 Q. Well, certainly you know times that someone who's
13 given you information then changes his information.
14 Right?

15 A. Changes his information?

16 Q. Yes.

17 A. Because he learns something new or --

18 Q. Or did not tell you the truth.

19 When I say you, I mean law enforcement in
20 general.

21 MR. BURETTA: Object to the form.

22 THE COURT: Sustained.

23 BY MS. KEDIA:

24 Q. You know of situations where a cooperating witness
25 says one thing on one occasion and then gives you

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1 different information on another occasion. Right?

2 A. Yes.

3 Q. You talked about rules; rules of organized crime.

4 Who creates these rules?

5 A. Who creates them?

6 Q. Yes.

7 A. They were created years ago. They have just been
8 passed down through the generations.

9 Q. And certainly over the years they have changed.

10 A. Sure.

11 Q. And when you say they have been passed down through
12 the generations, where are they passed down?

13 A. Well, from Cosa Nostra members.

14 The rules that are, at the induction ceremony,
15 when you have been given a set of rules, they have been
16 pretty standard; at least the last 30 or 40 years.

17 Q. And that's when the rules are given, are in the
18 induction ceremonies?

19 A. Some families, yes. Some, no. I mean, it varies.
20 But more times than not, yes.

21 Q. Well, an induction ceremony is where someone becomes
22 a made member. Right?

23 A. That's correct.

24 Q. And are associates present at induction ceremonies?

25 A. No.

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1 Q. Now, there are situations that you are aware of as an
2 expert in which a family is in disarray because of
3 numerous arrests. Right?

4 A. Sure.

5 Q. And then there is difficulty amongst the members in
6 the administration. Right?

7 A. Yes.

8 Q. And you have testified that in fact the mafia in the
9 last several years is certainly not what it used to be
10 many years ago. Right?

11 A. They don't have the strength they used to. No.

12 Q. And also that they fall into disarray because of
13 arrests. Right?

14 A. Certain families. Certain families are still very
15 powerful.

16 Q. And rules are broken routinely in all of the
17 families. Is that right?

18 MR. BURETTA: Objection.

19 THE COURT: Sustained.

20 BY MS. KEDI A:

21 Q. Well, one of the purposes, in your expertise, of
22 organized crime members and associates committing various
23 activities is to earn money. Right?

24 A. It is, generally speaking, about making money. Yes.

25 Q. And that's true throughout the families that you

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1 testified about. Right?

2 A. Yes.

3 Q. The purpose is to make money.

4 MR. BURETTA: Objection. Asked and answered.

5 THE WITNESS: Yes.

6 THE COURT: Sustained.

7 BY MS. KEDI A:

8 Q. And the money that's being made, whether it is from
9 illegal or legal activities, is supposed to go up through
10 the ranks. Is that right?

11 A. Yes.

12 Q. And it is considered family money. Right?

13 A. Yes.

14 Q. Now, you have spoken a bit about unsanctioned
15 murders. You have called some murders unsanctioned.
16 Right?

17 A. Yes.

18 Q. And that means that it is not authorized by the boss,
19 or whoever is in charge at the time. Right?

20 A. Yes.

21 Q. And there are the times when people have gone off and
22 done their own thing. Right? Members of organized crime?

23 A. As far as murders? Is that the question?

24 Q. Yes.

25 A. Yes.

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1 Q. Now, members of organized crime are not supposed to
2 discuss family business with those who are not associated.
3 Right?

4 A. They are not supposed to discuss family business
5 outside the family.

6 Q. Right. And they are not supposed to discuss what's
7 happening with the bosses. Right?

8 A. Not supposed to. No.

9 Q. And the purpose of this is to insulate the people at
10 the top. Right?

11 A. Yes.

12 Q. To protect the people at the top from -- to protect
13 other people from knowing what's happening at the top and
14 who's giving orders. Right?

15 A. Yes.

16 Q. And there are times certainly within organized crime
17 families where a member either lies to another member
18 about a various order. Right? About some order that they
19 claim to have received. Right?

20 A. I'm sure that happens. Sure.

21 Q. Or lies to an associate about an order that was
22 received. Right?

23 A. I'm sure. Yes.

24 Q. You talk about, I believe that you testified on
25 direct examination that you don't know of any situations

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1 where an underboss was killed without the permission of
2 the boss. Is that right?

3 MR. BURETTA: Objection. Misstates the
4 testimony.

5 THE COURT: Sustained.

6 BY MS. KEDI A:

7 Q. I'm sorry. What did you say in this regard about an
8 underboss?

9 A. I think I was questioned about whether there have
10 been any unsanctioned by either that boss or by the
11 commission, and I said no.

12 Q. Do you know an underboss, did you know who Frank
13 DeCicco is?

14 A. Yes.

15 Q. Who is he?

16 A. He was the underboss of the Gambino crime family
17 under John Gotti.

18 Q. Do you know that he was killed without the permission
19 of John Gotti? Right?

20 A. Yes.

21 Q. Do you know who Paul Castellano is?

22 A. Yes.

23 Q. Who is he?

24 A. He was the boss of the Gambino crime family prior to
25 John Gotti.

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1 Q. And in fact as the boss he was certainly killed
2 without the permission of the boss. Right?

3 A. Yes.

4 Q. And there was no permission given to John -- John
5 Gotti is the person who killed him? Is that your
6 testimony?

7 A. Yes.

8 Q. And there was no permission that John Gotti had from
9 the commission to kill Paul Castellano. Right?

10 A. No. Only the DeCicco murder, not the Castellano one,
11 was sanctioned by the commission.

12 Q. Your understanding is that Frank DeCicco's murder was
13 sanctioned by the commission?

14 A. By two of the four families, the Genovese and the
15 Lucchese family. Yes.

16 Q. Well, when you say the commission, you are talking
17 about a group that's comprised of five members. Right?

18 A. Yes.

19 Q. Well, there are actually nine members on the
20 commission. Right?

21 A. In recent times it is the New York families. If you
22 are going back, there were the states. Buffalo had a
23 family that was on the commission. There were other
24 people. But that's years ago. Yes.

25 Q. Well, you take the five families. Is it your

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1 testimony that the commission can give permission for an
2 act, with only having two people --

3 A. Well --

4 Q. -- participate?

5 A. -- According to the Bonanno family, going back to the
6 1980s. The Bonanno family?

7 They didn't have a seat on the commission.

8 There were problems. There were different periods of time
9 when different families didn't have seats on the
10 commission in and out.

11 But at that time, I stand corrected, it was two
12 of the four families. So it wasn't the full commission
13 that gave sanction to that.

14 Q. So when you say two of the four families decided that
15 Frank DeCicco should be killed, what families are those?

16 A. The Genovese and the Lucchese.

17 Q. And that was unbeknownst to John Gotti. Right?

18 A. Yes.

19 Q. And do you know who John D'Amato is?

20 A. John D'Amato from the DeCavalcante family?

21 Q. Yes.

22 A. Yes.

23 Q. Who is he?

24 A. He was the former acting boss of the Jersey family.

25 Q. And he was killed without the permission of John

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1 Raggi, who was the boss. Right?

2 A. I believe so. Yes.

3 Q. Do you know who Eli Saccardi is?

4 A. No.

5 Q. You are certainly aware of positions, the positions
6 of the administration, the bosses and acting bosses of the
7 five New York families going back in time. Right?

8 A. Most of them. Yes.

9 Q. And you don't know who Eli Saccardi is?

10 MR. BURETTA: Objection.

11 THE WITNESS: No.

12 THE COURT: Sustained.

13 BY MS. KEDI A:

14 Q. Now, you are aware, Mr. Carillo, that at times
15 members and associates of various organized crime families
16 have used resources -- well, let's talk about the Colombo
17 family in particular.

18 You are aware that members and associates of the
19 Colombo family have at times used the resources of the
20 family to settle personal grievances and vendettas.

21 Right?

22 A. Resources, meaning finances?

23 Q. Whatever it may be. Whether it's using other members
24 and associates or whether it is using money.

25 A. I'm sure the families do that. But you would have to

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1 give me a specific situation.

2 Q. Well, are you aware of situations in which a member
3 or an associate settles a personal grievance that has
4 nothing to do necessarily with the family?

5 A. By using like members of the family --

6 Q. Yes.

7 A. -- and violence?

8 Q. Yes.

9 A. Yes. Yes.

10 Q. And this is, you are talking about times where it is
11 done without the approval or without ever going to the
12 high-ranking members of the family. Right?

13 A. Yes.

14 Q. Now, you were asked about copying a sneak. And
15 copying a sneak is getting involved in a murder without
16 the sanction of the boss. Right?

17 A. Yes.

18 Q. And it happens quite often. Right?

19 A. Quite often? It happens.

20 Q. Well, do you recall testifying in a trial against
21 Vincent Basciano in 2007?

22 MS. KEDI A: Page 268, your Honor, JCR14.

23 THE COURT: All right.

24 BY MS. KEDI A:

25 Q. And on direct examination by Mr. Buretta giving

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1 this --

2 MR. BURETTA: Objection.

3 THE COURT: Sustained. The jury is instructed
4 to disregard that.

5 Please stop that.

6 BY MS. KEDI A:

7 Q. And on direct examination by the government, being
8 asked this question and giving this answer:

9 Question: Have you heard of something called
10 copying a sneak?

11 Answer: Yes.

12 Question: What's copying a sneak?

13 Answer: It's getting involved in a murder
14 without the sanction of your boss.

15 Question: Do members of the mafia cop sneaks?

16 Answer: It happens quite often. Yes.

17 A. Okay. I recall saying that.

18 But I think it happens less, less times. It is,
19 usually they are sanctioned. More times than not.

20 Q. Well, in that case, in that particular case, the
21 person you were you testifying against was charged with
22 copying a sneak. Right?

23 MR. BURETTA: Objection.

24 THE COURT: Sustained.

25 BY MS. KEDI A:

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1 Q. In those situations where a person cops a sneak,
2 sometimes they use other people in the family to engage in
3 this action. Right?

4 A. Usually. Yes.

5 Q. And they, sometimes they cop a sneak because there is
6 a risk that the boss is going to say no, you can't do
7 this. Right?

8 A. Yes.

9 Q. So in order to avoid actually being turned down, they
10 just go do it. Right?

11 A. Yes.

12 Q. Now, Mr. Cariello, you have testified that you had the
13 opportunity over the last several weeks to interview, to
14 meet with a person by the name of Joseph Campanella.
15 Right?

16 A. Yes.

17 Q. And he, you understand, is a cooperating witness
18 that's going to testify here.

19 MR. BURETTA: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: Yes.

22 BY MS. KEDA:

23 Q. And have you had the opportunity to meet with a man
24 by the name of Giovanni Floridia?

25 A. No, I have not.

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1 Q. Do you know who he is?

2 A. Yes.

3 Q. He is a person you have identified up on that board.

4 Right?

5 A. Yes.

6 Q. Who is he?

7 A. He's an associate in the Colombo crime family.

8 Q. He is someone who is also a cooperating witness.

9 Right?

10 A. Yes.

11 Q. But before coming to testify here you didn't discuss
12 any information with him?

13 MR. BURETTA: Objection.

14 THE COURT: Sustained.

15 BY MS. KEDI A:

16 Q. What about Michael D'Urso?

17 A. Yes.

18 Q. Is he someone that you have met with before coming in
19 to testify here?

20 A. No.

21 Q. Michael Di Leonardo?

22 A. I met him on many occasions. Yes.

23 Q. And information that Michael Di Leonardo gave you was
24 about the Gambino family?

25 A. And other families, too. Yes.

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1 Q. And when is the last time that you met with Michael
2 Di Leonardo?

3 A. Several months ago.

4 Q. Now, you have actually participated in investigating,
5 when you were a detective, certain, you said you
6 surveilled various functions, social clubs, wakes,
7 weddings. Right?

8 A. Sure.

9 Q. And in fact you were present, surveilling the wake of
10 a person by the name of Sally Fusco Sr. Right?

11 A. Yes.

12 Q. Who is Sally Fusco Sr?

13 A. He was a captain in the Colombo crime family.

14 Q. When was that wake?

15 A. If you have the date. It is approximately 2000.
16 Somewhere around there.

17 MR. BURETTA: Object. Beyond the scope.

18 THE COURT: Sustained.

19 MS. KEDIA: Your Honor, may we approach?

20 THE COURT: Sure. Come up.

21 (Discussion ensued at sidebar as follows.)

22 MR. BURETTA: If counsel would like the witness
23 to testify as a fact witness about surveillances -- I
24 don't propose that, though -- it is not, it is clearly
25 beyond the scope.

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1 But we will need to clearly delineate to the
2 jury he is now testifying as a fact witness, not as an
3 expert witness. And if she has a question about
4 surveillances, have at it, but it strikes me as sort of a
5 waste of time.

6 MS. KEDIA: I certainly want to question him
7 about this particular surveillance that relates to this
8 family during the time period of the charge in this
9 indictment and who was present at these particular
10 surveillances. I have no problem with the court giving --

11 THE COURT: What time?

12 MS. KEDIA: July 10 of 2000, your Honor. The
13 Campanella shooting is July 16 of 2001. The Cutolo
14 disappearance is May 26 of --

15 MR. BURETTA: Surveillance. I don't think there
16 is a need to do any of this. But I just -- I don't know
17 how many you are going to do. If you are going to do more
18 than one, then I think you do need to inform the jury --

19 THE COURT: How many?

20 MS. KEDIA: I only intend to do this one,
21 actually, Judge.

22 THE COURT: This one actually? This one, for
23 real?

24 MS. KEDIA: Let me make sure there is nothing
25 else I want to question this witness about that he was

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1 present at.

2 There are two that follow each other. July 8
3 and 9 of 2000, Colombo person. And July 9 and 10 of 2000.

4 THE COURT: So it is three.

5 MS. KEDI A: No. One of them is the one I just
6 spoke about.

7 THE COURT: The other one?

8 MS. KEDI A: The other one is the day before.

9 MR. BURETTA: So it is part of the same event, I
10 take it?

11 MS. KEDI A: No. It is July 8 and 9, and July 9
12 and 10.

13 THE COURT: The same wake?

14 MS. KEDI A: No. Two different wakes, your
15 Honor.

16 MR. BURETTA: I think we should probably do it
17 properly; inform them that he is now testifying as a fact
18 witness.

19 MS. KEDI A: I have no problem with that.

20 THE COURT: Okay.

21 MR. BURETTA: Okay.

22 (Discussion at sidebar was concluded.)

23 THE COURT: Ladies and gentlemen of the jury,
24 the questions that are being asked now of this witness,
25 who has been testifying as an expert witness based on his

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1 experience and credentials and information related to him
2 with regard to this case, is now going to be testifying as
3 a fact witness pertaining to certain events, and he will
4 now be answering the questions of defense counsel as a
5 fact witness as to any facts involved in this case.

6 MS. KEDIA: Thank you, your Honor.

7 | BY MS. KEDIA:

8 Q. Mr. Cariello, we were talking about the wake of
9 Salvatore Fusco. You say he was a captain in the Colombo
10 family.

11 A. Yes.

12 THE COURT: I'm sorry. I can't hear you when
13 you keep moving like that.

14 MS. KEDIA: I'm sorry.

15 BY MS. KEDIA:

16 Q. You say he was a captain in the Colombo family?

17 A. Yes.

18 Q. And at the time of his death, July 10, 2000, did you
19 also know him to be part of the administration?

20 A. No. You asked me that before. I di dn' t.

21 Q. You di dn' t?

22 | A. No.

23 Q. Do you recall what the date was of his wake?

24 A. Not the exact date, no.

25 Q. If I could show you what is marked as 3500 JCR20.

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1 A. Sure.

2 Q. Having looked at that, does that refresh your
3 recollection?

4 A. Yes.

5 Q. Of the dates?

6 A. July 10, 2000.

7 Q. And -- I'm sorry. July 10 of 2000?

8 A. Yes.

9 Q. And that is the date that you were personally
10 present?

11 A. Yes.

12 Q. And one of the -- and when you surveilled these
13 wakes, again, part of the purpose is to show association.
14 Right?

15 A. That's correct.

16 Q. And one of the people that attended this wake is a
17 woman by the name of Marguerite Cutolo. Right?

18 A. That's correct.

19 Q. And who is Marguerite Cutolo?

20 A. The wife of Bill Cutolo.

21 Q. Certainly, Mr. Persico wasn't at the wake. Right?

22 A. No.

23 Q. And on July 8 and 9, a day or two prior to this wake,
24 you surveilled another wake. Right?

25 A. Yes. This was a two-day wake. We only covered it

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1 one day.

2 Q. You covered it one day.

3 A. Right.

4 Q. And there was a wake for a person prior to that, the
5 day or two prior to that, a man by the name of Lance
6 Mari no. Right?

7 A. Yes.

8 Q. And various members and associates of organized crime
9 attended. Right?

10 A. Yes.

11 Q. And Mr. Persico wasn't present then?

12 A. No, he was not.

13 MS. KEDIA: I have nothing further.

14 THE COURT: Mr. LaRusso.

15 MR. LaRUSSO: Thank you, your Honor.

16

17 CROSS-EXAMINATION

18 BY MR. LaRUSSO:

19 Q. Good afternoon, Mr. Cari llo. How are you?

20 A. Good afternoon.

21 Q. You mentioned the ruling committee and I believe you
22 told us that it's set up for various reasons.

23 Is that correct?

24 A. Yes.

25 Q. And you gave us one specific example in regard to the

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1 Bonanno family when you say that Mr. Massino had set up
2 the ruling committee kind of as a buffer.

3 Is that correct?

4 A. Yes.

5 Q. Do you recall when that was done?

6 A. The exact years? It was up to prior to his arrest,
7 in whatever year he was arrested, 2003 or so.

8 Q. What other reasons would a ruling committee be set up
9 other than the one you have just described?

10 A. Somebody becomes incarcerated. Somebody's ill. And
11 for the reason I stated.

12 Q. So that if you took the other reasons, it would be
13 because there was a void in leadership. Is that correct?

14 This ruling committee was taking over or in some
15 way acting in lieu of a leader who was incapacitated, as
16 you say either in jail or because he was sick.

17 Is that correct?

18 A. Yes.

19 Q. Now, if a captain in a family goes to jail and gets
20 incapacitated, what happens to his crew?

21 A. Usually an acting captain is named and the crew stays
22 intact. There's times they disband the crew and certain
23 members are assigned to different captains.

24 Q. Now, if you take a captain who is incapacitated,
25 either in jail or for whatever reason, and his crew gets

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1 reassigned, those crew members are now under somebody
2 else's supervision.

3 Is that correct?

4 A. If there is an acting position? It is really still
5 the official captain's crew. The other person is
6 temporarily assigned to oversee their activities, yes.

7 Q. So this acting captain becomes the supervisor of this
8 crew.

9 A. Yes.

10 Q. And that's usually done because the captain, because
11 of his incapacity, no longer has the ability or it has
12 been determined that he would no longer have the ability
13 to supervise these people.

14 Is that right?

15 MR. BURETTA: Objection to the form.

16 THE COURT: Sustained.

17 BY MR. LaRUSSO:

18 Q. Now, you have also told us that there are times when
19 a person would be elevated to the position of underboss or
20 acting underboss, and that position can be filled by a
21 captain.

22 Is that right?

23 A. Yes.

24 Q. Now, when is an underboss appointed? An acting
25 underboss appointed?

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1 A. Again, it would usually be because the position was
2 voided for some particular reason. Somebody went to jail.
3 Somebody cooperated. Various reasons.

4 Q. And when that position becomes filled, the acting
5 underboss is now being appointed, how are the other
6 members of the family told about that?

7 A. It usually goes through the administration to the
8 captains.

9 Q. And what about other families outside of the family
10 where this person is becoming the acting underboss?

11 A. It should be, the message should be sent from their
12 administration to the other administration.

13 Q. And is that done formally?

14 A. It's usually done by a messenger of choice.

15 Q. Now, you have talked about introduction. I'm not
16 going to go into all of it, but just briefly again, what
17 is an introduction?

18 A. An introduction you say of a made member?

19 Q. Yes.

20 A. Cosa Nostra?

21 It is when one member needs to be introduced to
22 another for whatever reason. There has to be a third
23 member that introduces them: This is a friend of ours, or
24 mi ga nostra. It means the same thing.

25 Q. If you have a meeting taking place between two

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1 different families and an acting underboss or an underboss
2 is going to be introduced to this other family, who
3 normally makes that introduction?

4 A. It would have to be another member of Cosa Nostra
5 from one family or the other that has already been
6 introduced to that member.

7 The only way you know formally that somebody is
8 a member, you had to have been introduced to them, and
9 then it just gets passed along.

10 So somebody can't make an introduction that has
11 never been introduced to the member to begin with.

12 Q. But if there was a meeting taking place let's say
13 between an boss of one family and a boss of another, or an
14 acting boss of one family or an acting boss of another,
15 and an introduction of the underboss was taking place, who
16 would make that introduction at that meeting?

17 A. Sometimes it would be, if it was an administration
18 meeting usually a consigliere would make it. Somebody
19 with higher rank and status. Could be an older member
20 that is a captain or that has been known to both families
21 who are members for a long period of time.

22 But it should be somebody from the
23 administration that makes the introduction.

24 Q. Okay. Now, do you recall -- you know Mr. Vitale.
25 You have mentioned having spoken with him before?

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1 A. On several occasions. Yes.

2 Q. And do you recall at any time Mr. Vitale discussing
3 with you attending a meeting where Joel Cacace --

4 MR. BURETTA: Objection, your Honor.

5 THE COURT: Sustained.

6 BY MR. LaRUSSO:

7 Q. Well, in the late 1999, do you know who was the
8 acting underboss or underboss after Mr. Cutolo
9 disappeared?

10 A. The acting underboss after Mr. Cutolo disappeared?
11 Who I believed it to be? Right after?

12 Q. Not believed.

13 A. No. I mean the information that I have?

14 Q. The information available to you at the time.

15 A. Yes.

16 MR. BURETTA: Your Honor, may we approach?

17 THE COURT: Yes, come on up.

18 (Discussion ensued at sidebar as follows.)

19 MR. BURETTA: We were very careful not to elicit
20 anything about the defendants, and this is what is about
21 to happen. So when Mr. LaRusso brings up a meeting he
22 attended, I believe it is inappropriate.

23 But in addition, the next question is who did he
24 understand the acting underboss to be right after Cutolo
25 disappeared. I expect his answer will be Jackie DeRoss.

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1 We are not allowed to do that.

2 THE COURT: Is that what you expect?

3 MR. LaRUSSO: I have a 302 for Mr. Vitale, your
4 Honor, that says at a meeting Joe Waverly was introduced
5 as the acting underboss of the Colombo family in the late
6 1999s.

7 The 302 says late 1999, but if you look at the
8 notes that were made by the agent of that meeting, he
9 initially says in the '90s. And he says the late 1999.
10 Then he says around 2000.

11 So the acting underboss means Joe Waverly. I
12 did not intend to bring out Mr. Persico.

13 MR. BURETTA: That is what would happen, though.
14 So obviously being here we can talk all about that
15 meeting.

16 THE COURT: I think you should withdraw the
17 question.

18 If you know what he is going to say, you better
19 withdraw the question.

20 MR. LaRUSSO: I don't need to be hit over the
21 head with a hammer.

22 (Discussion at sidebar was concluded.)

23 THE COURT: The question is withdrawn.

24 BY MR. LaRUSSO:

25 Q. Do you recall at any point in time speaking with

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1 Mr. Vitale about the ranks and positions of members in the
2 Colombo family?

3 A. The meetings were more specifically, that I was
4 attending were more specifically to the Bonanno family.
5 We did go into other families but didn't spend that much
6 time on them.

7 Q. And specifically referring to Mr. Vitale. When you
8 say you attended, in what capacity did you attend?

9 A. Well, I was at the debriefings, but not the initial
10 debriefings by the FBI. I came in afterwards.

11 Myself and Investigator McCabe would meet with
12 him sporadically at the facilities. Maybe three times,
13 four times.

14 Q. At the time that you met with Mr. Vitale, were you
15 still with New York City Police Department?

16 A. Yes.

17 Q. And you were working with the FBI?

18 A. I was working with them. Not the task force but,
19 yes, I was working.

20 Q. So it's a fact you were invited to come and
21 participate in discussions with Mr. Vitale.

22 A. Yes.

23 Q. All right. Now, in one of those discussions do you
24 have any specific recollection of actually talking about
25 the ranks and positions of the members in the Colombo

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1 family?

2 A. Ranks and positions? Yes. I believe we would have
3 gone over that.

4 Q. Do you remember approximately when you talked to
5 Mr. Vitale about that?

6 A. Which date? No. I've seen him two or three times.
7 I don't remember the specific date we went over that.

8 MR. LaRUSSO: Your Honor, may I approach?

9 THE COURT: Yes.

10 Do you have exhibits?

11 MR. LaRUSSO: Yes, I do, your Honor. It's 3500
12 SV184.

13 May I approach the witness, your Honor.

14 BY MR. LaRUSSO:

15 Q. Would you take a look at this document, please.

16 MR. LaRUSSO: I understand that is not the one
17 you have, your Honor.

18 THE COURT: No, that is not one I have.

19 MR. LaRUSSO: I apologize.

20 BY MR. LaRUSSO:

21 Q. Mr. Cariello, have you had a chance to take a look at
22 it?

23 A. Sure.

24 Q. Does that refresh your recollection that back on July
25 10 of '03 you were present at a meeting with Mr. McCabe

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1 when you spoke with Mr. Vitale?

2 MR. BURETTA: Asked and answered.

3 THE COURT: Sustained.

4 BY MR. LaRUSSO:

5 Q. And during the course of the meeting with Mr. Vitale,
6 a number of names of ranking members in the family were
7 given?

8 A. Yes.

9 Q. And positions in the family. Is that correct?

10 A. Yes.

11 Q. And during the course of that meeting, did Mr. Vitale
12 ever mention the name Jackie DeRoss?

13 MR. BURETTA: Objection, your Honor.

14 THE COURT: Sustained.

15 BY MR. LaRUSSO:

16 Q. At the time that you were meeting with Mr. Vitale, he
17 gave you his recollection of who he believed were in the
18 Colombo family. Is that correct?

19 MR. BURETTA: Objection.

20 THE COURT: Sustained.

21 BY MR. LaRUSSO:

22 Q. Mr. Carillo, you testified here about the history of
23 the mafia many years back.

24 Did you ever hear of a case called the Pizza
25 Connection Case?

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1 A. Yes.

2 Q. Just briefly tell us what that is.

3 A. It was about a narcotics, more particularly heroin
4 being sold in the New York area.

5 Q. And did it involve large numbers of members both from
6 the Italian mafia as well the New York mafia, particularly
7 the Gambino family?

8 A. Yes.

9 Q. And are you familiar with the fact that this occurred
10 sometime in the middle '80s, around that time frame?

11 A. Yes.

12 Q. When did you start working for the New York City
13 Police Department?

14 A. 1984.

15 Q. So you have a recollection of this case developing at
16 the time that you began as a member of law enforcement?

17 A. No. It would be --

18 Q. -- Later?

19 A. It would be after the fact, yes.

20 Q. And do you know that in the Pizza Connection case
21 there were a number of fugitives that were sought by law
22 enforcement in regards to that investigation?

23 MR. BURETTA: Objection.

24 THE COURT: Sustained.

25 BY MR. LaRUSSO:

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1 Q. Are you aware today of the fact that a fugitive of
2 that case was recently apprehended?

3 MR. BURETTA: Your Honor --

4 THE COURT: Sustained.

5 BY MR. LaRUSSO:

6 Q. Well, let me ask you. In your expertise in the area
7 of organized crime, it's not unusual for people who are
8 members of a family, when they hear charges are going to
9 be brought, they flee. Is that correct?

10 A. It's happened. Yes.

11 Q. And do you know that it's happened in cases involving
12 Mr. Massino, who we have been talking about in the Bonanno
13 crime family?

14 A. The three people in particular who left the area?

15 Q. Mr. Massino.

16 A. Mr. Massino, himself, yes.

17 Q. He took off before charges could be brought.

18 You're shaking your head, I apologize. I think
19 the reporter is supposed hear your answer.

20 Your answer is yes?

21 A. I said yes.

22 Q. And there are others as well. Is that right?

23 A. Yes.

24 Q. Did you ever hear of a man the name of Anthony
25 Coppola, C-O-P-P-O-L-A?

Cari llo - for the Government - Cross/Mr. LaRusso

1249

1 A. I may have heard hi s name, yes.

2 Q. Mi key Scars (sic)? Mi key Ci gars?

3 A. Mi key Ci gars Or Scars?

4 Q. Do you know that name, Mi key Ci gars? Not Scars.

5 A. Ci gars? I need the last name.

6 Not off the top of my head no.

7 Q. Mr. Cari llo, could you take a look at DeRoss Exhibi t

8 X for i denti fi cati on.

9 A. Yes.

10 Q. Does that refresh your recol lecti on?

11 A. Yes.

12 Q. As to a man by the name of Mr. Cappola?

13 A. Yes.

14 Q. He was a member of the Genovese fami ly?

15 A. Yes.

16 Q. Mi chael Cappola. I apol ogi ze.

17 Does that refresh your recol lecti on?

18 A. Yes. I know who he is now, yes.

19 Q. Was he recently arrested?

20 A. Yes.

21 Q. And had he been on the lam for approximat ely 11
22 years?

23 A. Yes.

24 Q. And what law enforcement agent apprehended him, do
25 you remember?

Cariello - for the Government - Redirect/Mr. Buretta

1250

1 A. Well, the FBI made the arrest.

2 Q. And approximately what was the vicinity where the
3 arrest took place?

4 A. It was someplace in upper Manhattan, I believe.

5 Q. Broadway, 74th Street? Somewhere in that
6 neighborhood?

7 A. Yes.

8 MR. LaRUSSO: Your Honor, I have no further
9 questions.

10 THE COURT: Redirect?

11 MR. LaRUSSO: I'm sorry, judge, there was one,
12 if I could.

13 BY MR. LaRUSSO:

14 Q. When you receive different information from
15 cooperating witnesses, how do you decide when they are
16 telling the truth?

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 MR. LaRUSSO: No further questions, your Honor.

20 THE COURT: Redirect.

21 MR. BURETTA: Thank you.

23 REDIRECT EXAMINATION

24 BY MR. BURETTA:

25 Q. Investigator Cariello, you were just asked about a

Cariello - for the Government - Redirect/Mr. Buretta

1251

1 Genovese captain named Michael Cappola who had been a
2 fugitive for 11 years?

3 A. Yes.

4 Q. Was he living with his wife while he was on the I am?

5 A. Yes.

6 Q. Did he continue to participate in organized crime
7 while he was on the I am?

8 A. Yes, he did.

9 Q. Was he intercepted on wiretaps talking about the mob
10 while he was on the I am?

11 A. Yes.

12 Q. When Joe Massino was on the I am, did he continue
13 talking to his crime family?

14 A. Yes.

15 Q. Did his wife know where he was?

16 A. I'm not sure. I believe so, though.

17 Q. You were asked about whether organized crime members
18 are incapacitated when they are in jail. Do you remember
19 that?

20 A. Yes.

21 Q. Do members of organized crime tend to participate in
22 organized crime when they are in jail?

23 A. Yes.

24 Q. Have bosses of organized crime families continued to
25 participate in the crime family while they are in jail?

Cariello - for the Government - Redirect/Mr. Buretta

1252

- 1 A. Yes. They continue to run the families.
- 2 Q. Do you know who Vincent Gigante is?
- 3 A. Yes.
- 4 Q. Does he have a nickname The Chin?
- 5 A. Yes, he does.
- 6 Q. Before he died what was his position in the Genovese
- 7 crime family?
- 8 A. He was the official boss.
- 9 Q. Was he in jail?
- 10 A. Yes, he was.
- 11 Q. Did he continue to run the crime family?
- 12 A. Yes, he did.
- 13 Q. You were asked questions on cross about a man named
- 14 Frank DeCicco. Correct?
- 15 A. Yes.
- 16 Q. Frank DeCicco was the underboss of the Gambino crime
- 17 family. Correct?
- 18 A. That's correct.
- 19 Q. And he was blown up in a car. Correct?
- 20 A. Yes.
- 21 Q. Did other crime families authorize blowing him up in
- 22 that car?
- 23 A. Yes, they did.
- 24 Q. Why did they do that?
- 25 A. In retribution for John Gotti killing Paul

Cari llo - for the Government - Recross/Ms. Kedi a

1253

1 Castellano, which was an unsanctioned murder of a boss.

2 Q. Did John Gotti investigate the murder of his
3 underboss Frank DeCicco?

4 A. Yes.

5 MR. BURETTA: No further questions.

6 THE COURT: Okay.

7 MS. KEDI A: Your Honor, briefly? I have a
8 couple.

9 THE COURT: Briefly? We have lunch at 12:30, so
10 if it is brief. We'll hold you to it.

11 MS. KEDI A: Yes, your Honor.

12

13 RECROSS-EXAMINATION

14 BY MS. KEDI A:

15 Q. Mr. Cari llo, you just testified that a couple of the
16 members of commission sanctioned the killing of
17 Mr. DeCicco. Right?

18 A. Yes.

19 Q. When was it publicly known that they sanctioned this
20 murder?

21 A. Later on.

22 Q. Many, many years later. Right?

23 A. Yes.

24 Q. And you said John Gotti investigated the murder of
25 Frank DeCicco. Right?

Carillo - for the Government - Recross/Ms. Kedia

1254

1 A. Sure.

2 Q. Certainly, he didn't find out about those for many
3 years, until it finally became known through other sources
4 who it was that was responsible for killing his underboss.
5 Right?

6 A. That's correct.

7 Q. Even though he was publicly blown up on the street.
8 Right?

9 A. Yes.

10 Q. Now, you talked about Joe Massino being on the lam
11 and you are not sure whether his wife knew or not. Right?

12 A. Yes.

13 Q. Certainly, law enforcement didn't know where he was.
14 Right?

15 A. Exactly where he was? No.

16 Q. Certainly, if you knew exactly where he was, you
17 would have gone to arrest him. Right?

18 A. Yes.

19 Q. And at the time that Joe Massino went on the lam, he
20 was on the lam for more than two years. Right?

21 A. Yes.

22 Q. And at the time that he went on the lam, he was about
23 a week away from indictment. Right?

24 A. I believe so.

25 MS. KEDIA: Thank you. I have nothing further.

1255

1 THE COURT: Okay. Mr. LaRusso?

2 MR. LaRUSSO: No, your Honor.

3 THE COURT: That does it.

4 We will see you folks at 1:30. Don't talk about
5 the case. Have a nice lunch.

6 (Lunch recess taken at 12:30 pm.)

7

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Campanella - for the Government - Direct/Mr. Buretta

1256

1 A F T E R N O O N S E S S I O N

2 1:40 pm

3

4 (The following ensued in the presence of the
5 jury.)

6 THE COURT: We are ready to begin the
7 government's next witness.

8 MR. BURETTA: The government calls Joseph
9 Campanella.

10

11 JOSEPH CAMPANELLA

12 called by the Government, having been first duly
13 sworn/affirmed, was examined and testified as
14 follows:

15 MR. BURETTA: May I inquire, your Honor.

16 THE COURT: Yes.

17

18 DIRECT EXAMINATION

19 BY MR. BURETTA:

20 Q. Mr. Campanella, were you a member of the mob?

21 A. Yes.

22 Q. What crime family?

23 A. The Colombo family. Which is now known as the
24 Persico family.

25 Q. Were you a formal inducted member of the Colombo

CampANELLA - for the Government - Direct/Mr. Buretta

1257

1 family?

2 A. Yes.

3 Q. At some point did you stop participating in the mob?

4 A. Yes.

5 Q. When?

6 A. When I cooperated with the government in 2003.

7 Q. What's the penalty in the mob for doing what you are
8 doing, cooperating?

9 A. Death.

10 Q. I'm going to show you a photo, sir, Government
11 Exhibit 2F.

12 Do you know who that is?

13 A. Yes.

14 Q. Who is that?

15 A. William Cutolo.

16 Q. Did he have an nickname?

17 A. Wild Bill.

18 Q. Who was Wild Bill to you?

19 A. That was my sponsor into the mob and my acting
20 underboss.

21 Q. Was he your friend?

22 A. Yes.

23 Q. When is the last time you saw Wild Bill?

24 A. 1999.

25 Q. Did he disappear?

Campbell - for the Government - Direct/Mr. Buretta

1258

1 A. Yes.

2 Q. Before Wild Bill disappeared, who if anyone talked to

3 you about killing him?

4 A. Jack DeRoss.

5 Q. Is Jack DeRoss here today?

6 A. Yes.

7 Q. Where is he?

8 A. He's seated right here, with the glasses on, in the

9 gray shirt.

10 THE COURT: You have to hold the microphone in

11 front of your mouth.

12 THE WITNESS: Sorry.

13 THE COURT: Okay.

14 BY MR. BURETTA:

15 Q. What is he wearing?

16 A. A gray pullover shirt.

17 MR. BURETTA: Can the record reflect he's

18 identified the defendant DeRoss?

19 THE COURT: Yes.

20 BY MR. BURETTA:

21 Q. Where were you born?

22 A. Brooklyn, New York.

23 Q. What neighborhood did you live in when you were

24 growing up?

25 A. Bensonhurst.

Campbell - for the Government - Direct/Mr. Buretta

1259

1 Q. Are you Italian?

2 A. Yes.

3 Q. Are your mother and father Italian?

4 A. Yes.

5 Q. How far did you get in school?

6 A. I graduated twelfth grade.

7 Q. What high school?

8 A. New Utrecht High School.

9 Q. Who were your closest friends when you were growing up

10 as a teenager?

11 A. Robert Donofrio. Carl Russo. Frankie Grecco.

12 Chuckie. Maybe about ten, 15 guys.

13 Q. You said Robert Donofrio. What was your relationship

14 as a teenager with Robert Donofrio?

15 A. We were very, very close friends.

16 Q. At some point did you learn Robert Donofrio was in

17 the mob?

18 A. Yes.

19 Q. What crime family?

20 A. The Colombo family.

21 Q. When you were a teenager, what kind of crimes did you

22 commit?

23 A. We used to rob cars and sell marijuana.

24 Q. Did you ever beat anybody up when you were a

25 teenager?

Campbell - for the Government - Direct/Mr. Buretta

1260

1 A. Yes.

2 Q. Were you ever arrested for selling marijuana?

3 A. No.

4 Q. Were you ever arrested for stealing cars?

5 A. No.

6 Q. When you started cooperating with the government, did
7 you tell the government about those crimes even though you
8 hadn't been arrested for them?

9 A. Yes.

10 Q. Were you ever arrested as a teenager for committing
11 assault?

12 A. Yes.

13 Q. Approximately when?

14 A. 1976.

15 Q. Were you convicted of assault?

16 A. No.

17 Q. What happened to that charge?

18 A. The case was dismissed.

19 Q. Were you guilty of that assault even though it was
20 dismissed?

21 A. Yes.

22 Q. After you cooperated with the government, did you
23 tell the government you committed that assault in 1976?

24 A. Yes.

25 Q. Why?

Campbell - for the Government - Direct/Mr. Buretta

1261

1 A. I had to be truthful with my whole history of crime.

2 Q. Have you heard the term the Life?

3 A. Yes.

4 Q. What is that?

5 A. That's being in the mob.

6 Q. When you were growing up in Bensonhurst, did you see
7 people that you believed were in the Life?

8 A. Yes.

9 Q. Who were some of those people?

10 A. There was Wild Bill. There was Jack DeRoss. My
11 friend Robert.

12 Q. As a teenager were you attracted to the Life?

13 A. Yes.

14 Q. Why?

15 A. Well, actually it was just a lifestyle. Having
16 money. Nice cars. Clothes. Power.

17 Q. Hold the mic up please. Thank you.

18 When you were a teenager, did the mob seem
19 glamorous?

20 A. Yes.

21 Q. Did it end up being glamorous for you?

22 A. No.

23 Q. At some point did you become formally associated with
24 the mafia?

25 A. Yes.

CampANELLA - for the Government - Direct/Mr. Buretta

1262

1 Q. Approximately when?

2 A. I started becoming an associate of the mafia I would
3 say approximately 1979.

4 Q. Were you still in high school?

5 A. I believe I was just graduating.

6 Q. About how old were you when you became formally
7 associated with the mob?

8 A. 18, 19 years old.

9 Q. Where was your father when you became involved in the
10 mob?

11 A. My father passed away in 1977.

12 Q. How did you get involved in the mob?

13 A. Growing up in neighborhood, through my friend Robert
14 Donofrio.

15 Q. I'm going to show you Government Exhibit 20 on the
16 screen. Who is that person?

17 A. That's Robert Donofrio.

18 Q. When did you first meet Wild Bill?

19 A. I would say approximately 1979. Around there.

20 Q. How did your relationship with Wild Bill develop?

21 A. Just growing up in the neighborhood on 11th Avenue in
22 Brooklyn. Through Robert Donofrio.

23 Q. Is it fair to say you became close to Wild Bill?

24 A. Yes.

25 Q. How did that relationship develop?

Campbell - for the Government - Direct/Mr. Buretta

1263

1 A. It developed through Robert. Basically hanging out
2 in the area.

3 At that time there was a club on 11th Avenue and
4 64th Street where we used to just hang out in the club,
5 getting to know Wild Bill.

6 Q. Was Wild Bill married?

7 A. Yes.

8 Q. Did you know his wife?

9 A. Yes.

10 Q. What was her name?

11 A. Peggy Cutolo.

12 Q. Did Wild Bill have children?

13 A. Yes.

14 Q. What were their names?

15 A. Barbara Jean, Bill Jr, Christina.

16 And he had a younger daughter with his
17 girl friend. I'm not sure of her name.

18 Q. Did you know Wild Bill's girl friend?

19 A. Yes.

20 Q. On occasion did you go to Wild Bill's house?

21 A. In Staten Island? Yes.

22 Q. Would you see his family?

23 A. Yes.

24 Q. Would you socialize?

25 A. Yes.

CampANELLA - for the Government - Direct/Mr. Buretta

1264

1 Q. Were any of Wild Bill's children involved in the
2 life?

3 A. Yes.

4 Q. Who?

5 A. Bill Jr.

6 Q. When you first got involved in the mob, how often
7 would you see Wild Bill?

8 A. Twice a week.

9 Q. Where?

10 A. At the Friendly Bocce Club.

11 Q. Where is that?

12 A. On 63rd Street off of 11th Avenue in Brooklyn.

13 Q. Whose club was the Friendly Bocce Club?

14 A. Bill's club.

15 Q. Could anyone go into the Friendly Bocce Club?

16 A. No.

17 Q. Why?

18 A. Just members only.

19 Q. What days of the week would you go to the Friendly
20 Bocce Club?

21 A. Wednesday nights and Saturday afternoon.

22 Q. When on Wednesday nights would you go to the club?

23 A. Somewhere around 6 o'clock in the evening, till about
24 11:30, 12 o'clock.

25 Q. What would you do when you got there on Wednesday

Campbell - for the Government - Direct/Mr. Buretta

1265

1 nights?

2 A. Most of the guys would get together for dinner.

3 Q. Why was there dinner on Wednesday nights?

4 A. That's what Bill enjoyed, having dinner with most of

5 the guys in the club.

6 Q. What time did Wild Bill usually show up for dinner on

7 Wednesday nights at the Friendly Bocce Club?

8 A. He would show up between 6 o'clock and 7 o'clock.

9 Q. How often did Wild Bill come to Wednesday dinners?

10 A. Every Wednesday.

11 Q. What did the inside of the Friendly Bocce Club look

12 like?

13 A. When you walked in, it was one big room with a little

14 bar for coffee and cake, and a large eating table.

15 And then there was another room, where we played

16 cards. Maybe two or three card tables.

17 Q. When you had dinner, at what table would you sit?

18 A. At the large eating table.

19 Q. Where would you sit?

20 A. Next to Bill.

21 Q. Were there pictures on the walls?

22 A. Yes.

23 Q. Did you ever go to get your hair cut with Wild Bill?

24 A. Yes.

25 Q. Where?

Campanel I a - for the Government - Direct/Mr. Buretta

1266

1 A. In Bruno's, on 21st Avenue off of 86th Street in
2 Brooklyn.
3 Q. How often did you get your hair cut with Wild Bill?
4 A. It varied. When the war was going on, I would be
5 with him every day, but he would usually go once a week to
6 Bruno's.
7 Q. What day?
8 A. Wednesday.
9 Q. What time of day?
10 A. Usually between 3 and 6 o'clock.
11 Q. Did Wild Bill have any interests in any catering
12 halls?
13 A. Yes.
14 Q. Which one?
15 A. The Embassy Terrace in Brooklyn, New York.
16 On Avenue U.
17 Q. Did you have any functions at the Embassy Terrace?
18 A. I don't recall any.
19 Q. Did Wild Bill have functions there?
20 A. I'm sure he did. Yes.
21 Q. Did any members of Wild Bill's family work at the
22 Embassy Terrace catering hall?
23 A. I don't know. I believe Peggy had some sort of job
24 there. I don't know exactly what it was.
25 Q. Did Wild Bill work at any businesses?

Campbell - for the Government - Direct/Mr. Buretta

1267

1 A. Yes.

2 Q. Where?

3 A. Local 400 New York.

4 Q. Where was Local 400?

5 A. If I remember correctly, I believe it was on Broadway

6 and 41st Street. I'm not sure exactly. Somewhere in that

7 area.

8 Q. Did you go there?

9 A. Yes.

10 Q. Why?

11 A. At that time there was a war going on among family

12 members and we would take Bill there as bodyguards.

13 Q. When was the war going on?

14 A. Approximately 1991, '92.

15 Q. Do you know what the term shylocking means?

16 A. Yes.

17 Q. What does shylocking mean?

18 A. You would put out money on the street and collect

19 interest.

20 Q. Is there a difference between money on the street and

21 money in your pocket?

22 A. I don't understand what you mean by that.

23 Q. Explain to the jury what you mean by money on the

24 street.

25 A. Money on the street.

Campbell - for the Government - Direct/Mr. Buretta

1268

1 If I had \$100, I would loan it out to somebody
2 who would want to borrow it, and I would charge him 5
3 percent interest a week.

4 Q. Did you shyllock with Wild Bill?

5 A. Yes.

6 Q. When did you start engaging in loansharking with Wild
7 Bill?

8 A. Approximately 1981. 1982.

9 Q. How did you get involved in loansharking with Wild
10 Bill?

11 A. Through Robert Donofrio.

12 Q. Do you know what the term a point means?

13 A. Yes.

14 Q. What is that?

15 A. That's one dollar on every hundred dollars you loan
16 out, interest.

17 Q. How many points did you pay Wild Bill?

18 A. Two points on a hundred.

19 Q. How many points did you charge your customers?

20 A. Five points.

21 Q. Did your customers always pay on time?

22 A. No.

23 Q. Did you sometimes threaten them when they didn't pay
24 you on time?

25 A. Yes.

Campbell - for the Government - Direct/Mr. Buretta

1269

1 Q. Did you sometimes beat them?

2 A. There was times, yes.

3 Q. Did Wild Bill have loansharking customers separate
4 from you?

5 A. Yes.

6 Q. Who?

7 A. From what I remember, I used to collect Bill's,
8 Robert Donofrio's, myself. There was Vinnny Vassaro,
9 Joe-Joe Russo, Vinnny Hoak.

10 Q. Please slow down for the court reporter.

11 A. Sorry. Joe-Joe Russo, Vinnny Hoak, myself, Vinnny
12 Vassaro, Robert Donofrio. And maybe one or two other
13 guys.

14 Q. Other than loansharking, what crimes did you commit
15 in the mob?

16 A. Conspiracy to murder. Extortion. Gambling. Medical
17 fraud. Counterfeiting tokens.

18 Q. Did you ever ask a grand jury witness to lie for you?

19 A. Yes.

20 Q. Was that unusual?

21 A. No.

22 Q. Did you ever hit anybody with a shovel?

23 A. Yes.

24 Q. Who?

25 A. A Russian in Brooklyn.

CampANELLA - for the Government - Direct/Mr. Buretta

1270

1 Q. Why?

2 A. I had to get my point across.

3 Q. Did you ever order anyone else to beat someone?

4 A. Did I order somebody to beat? Yes.

5 Q. Was that part of the life?

6 A. Yes.

7 Q. Did you tell the government you beat someone with a
8 shovel?

9 A. Yes.

10 Q. Were you charged with beating someone with a shovel
11 before you told the government about it?

12 A. No.

13 Q. When you were in the mob, did you use your home phone
14 to talk about crime?

15 A. No.

16 Q. Why?

17 A. Because of the FBI tapping my phone.

18 Q. Did you ever use something called a prepaid phone?

19 A. Yes.

20 Q. What is that?

21 A. It was a phone I would buy, and buy minutes off a
22 card. This way I could be able to dispose of it.

23 Q. That way what?

24 A. This way I could dispose of the phone with no phone
25 records.

Campbell - for the Government - Direct/Mr. Buretta

1271

1 Q. Did you always keep the same prepaid phone to use to
2 commit crime?

3 A. No.

4 Q. Why not?

5 A. I would always change my phone approximately every
6 two months, three months.

7 Q. Did you use any beepers when you were in the mob?

8 A. Yes.

9 Q. Why?

10 A. If somebody had to contact me, that's how they would
11 reach me.

12 Q. Did you use pay phones?

13 A. Yes.

14 Q. Why?

15 A. Not to have the FBI record my conversations.

16 Q. Did other people in the Colombo crime family use pay
17 phones?

18 A. Yes.

19 Q. Did they use beepers?

20 A. Yes.

21 Q. When were you proposed to become a member of the
22 Colombo crime family?

23 A. I would say approximately 1989.

24 Q. Who proposed you?

25 A. Wild Bill.

Campanel I a - for the Government - Direct/Mr. Buretta

1272

1 Q. How do you know that?

2 A. He told me.

3 Q. What if anything did Wild Bill say to you about how
4 you would be proposed?

5 A. He had told me that he's going to sponsor me into the
6 family and there would be a ceremony about a week to two
7 weeks later.

8 Q. What if anything did Wild Bill say about what would
9 be expected of you as a member of the mafia?

10 A. That I would commit my life to the family.

11 Q. When Wild Bill said he would propose you, what was
12 your reaction?

13 A. I was happy.

14 Q. Why?

15 A. That's part of what I wanted in my life.

16 Q. At some point were you in fact inducted into the
17 Colombo crime family?

18 A. Yes.

19 Q. When?

20 A. Approximately two weeks later.

21 Q. Where?

22 A. In Long Island.

23 Q. How did you get there?

24 A. There was a car with Bob, Bill, and two other
25 soldiers.

CampANELLA - for the Government - Direct/Mr. Buretta

1273

1 Q. Who was at your ceremony?

2 A. Vic Orena. Joe Scopo. Wild Bill. Patty Amato. And
3 I believe, if I remember correctly, it was Vic Orena Jr
4 and John Orena.

5 Q. And who?

6 A. John Orena.

7 Q. At the time that you became a member of the Colombo
8 crime family, who was the official boss?

9 A. Carmine Persico.

10 Q. Was he at your ceremony?

11 A. No.

12 Q. Why?

13 A. He was incarcerated.

14 Q. Who spoke at your ceremony?

15 A. Vic Orena and Wild Bill.

16 Q. Were certain rules explained to you during your
17 ceremony?

18 A. From what I remember, yes.

19 Q. What are the rules you remember from your ceremony?

20 A. That I live for the family, and if ever I'm called I
21 should just drop what I'm doing and dedicate to the
22 family.

23 Q. If you were called by who?

24 A. By my captain.

25 Q. Explain to the jury what happened during the

CampANELLA - for the Government - Direct/Mr. Buretta

1274

1 ceremony.

2 A. You are told to sit in the basement and wait until
3 your name is called.

4 When your name is called, you go upstairs. And
5 then at the table you meet maybe about six guys, and Wild
6 Bill, who sponsored me.

7 There would be a gun on the table, a knife, and
8 a picture of a saint.

9 And as the ceremony would be going on, they
10 would burn the saint in your hands and proclaim yourself
11 to the family.

12 Q. Why was the saint burned?

13 A. It just represents that if you turn government
14 witness, that's what should happen to you, you will burn
15 in hell.

16 Q. Were you informed of any rules about the boss?

17 A. Yes.

18 Q. What were you told?

19 A. It was that the boss is the only one who can call you
20 besides your captain. And the boss runs the family.

21 Q. Were you told about any rule about striking another
22 member of the family?

23 A. Yes.

24 Q. What were you told?

25 A. You can never strike another member of the family as

Campbell - for the Government - Direct/Mr. Buretta

1275

1 far as being a soldier, a captain, a boss, the underboss,
2 or the consigliere.

3 Q. Can you kill a made member without permission?

4 A. No.

5 Q. When you were made inducted into the Colombo crime
6 family, who were you told can authorize you to kill?

7 A. The boss could only authorize us to kill anybody.

8 Q. Once you were a soldier, who was your captain?

9 A. Bill Cutolo.

10 Q. Who were some of the soldiers in Bill Cutolo's crew
11 when you were a soldier?

12 A. It was myself. It was Joey Colombo. Joe Smash. Rob
13 Donofrio. Joe Gas. And Joe Notch.

14 Q. You mentioned the Colombo war. How did you learn
15 about the Colombo war?

16 A. Through Wild Bill.

17 Q. What did he tell you?

18 A. He had said that there was an attempt to kill Vic
19 Orena. That there's a split in the family.

20 Q. What was the split in the family?

21 A. It was they tried to kill Vic Orena.

22 There was two factions. There was the Persico
23 fraction and there was the Vic Orena fraction.

24 Q. What year was it, approximately, when Wild Bill told
25 you there were two factions of the family, Persico and

CampANELLA - for the Government - Direct/Mr. Buretta

1276

1 Orena?

2 A. Approximately 1990, 1991.

3 Q. What was your position when Wild Bill told you that
4 there was a Persico and an Orena faction in the family?

5 A. I was a soldier.

6 Q. Who was Vic Orena?

7 A. Vic Orena was the acting boss.

8 Q. Did you ever meet him?

9 A. Yes.

10 Q. I show you Government Exhibit 2C. Do you recognize
11 that person?

12 A. Yes.

13 Q. Who is that?

14 A. That's Vic Orena.

15 Q. Which side of the war were you on?

16 A. I was on the Orena fraction.

17 Q. Which side was Wild Bill on?

18 A. The Orena fraction.

19 Q. What if anything did Wild Bill say about why someone
20 tried to kill Vic Orena?

21 A. From what Bill told me is that Vic wouldn't step down
22 and Alie Boy was coming home from prison.

23 Q. Who's Alie Boy?

24 A. Alie Boy Persico.

25 Q. Had you met him?

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1277

1 A. Yes.
2 Q. Is he here?
3 A. Yes.
4 Q. Point him out.
5 A. Allie is the second gentleman sitting from the left,
6 with the black sweater on.

7 THE COURT: The record will indicate he
8 identified Mr. Persico.

9 BY MR. BURETTA:

10 Q. What were your responsibilities during the Colombo
11 war?

12 A. It was to serve for Bill as a bodyguard.

13 Q. Did you?

14 A. Yes.

15 Q. Did other people serve as Wild Bill's bodyguard
16 during the Colombo war?

17 A. Yes.

18 Q. Who were some of those people?

19 A. Michael Spataro. Vincent DeMartino. My brother,
20 Frank. Joe Gas. Frankie Notch. Joe-Joe Russo. Maybe
21 about another four or five other guys. Black Dom.

22 Q. How, if at all, was Allie Boy Persico related to
23 Carmine Persico?

24 A. Allie is Carmine's son.

25 Q. Did violence occur during the war?

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1278

1 A. Yes.

2 Q. Did you commit violence?

3 A. Yes.

4 Q. Did people die in the war?

5 A. Yes.

6 Q. Who?

7 A. I'd say about 12 men.

8 Q. On which side?

9 A. On both sides.

10 Q. Did you try to kill anyone during the war?

11 A. Yes.

12 Q. Who?

13 A. Gregory Scarpa.

14 Q. Gregory Scarpa?

15 A. Yes.

16 Q. What if any position did Gregory Scarpa have in the Colombo family when you tried to kill him?

17 A. He was a soldier.

18 Q. Why did you try to kill him?

19 A. I was told to.

20 Q. By who?

21 A. By Bill Cutolo.

22 Q. When?

23 A. Right after the attempt on Vic Orena.

24 Q. Who was to participate in the murder of Gregory

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1279

1 Scarpa?

2 A. There was myself. There was Vince DeMartino. Mike
3 Spataro. Frankie Notch. Gabe Scianna.

4 And I'm not sure of exactly one of the
5 gentlemen, I believe his name was Joe Tolino. I'm not
6 sure of his exact last name.

7 Q. Did you in fact try to kill Gregory Scarpa?

8 A. Yes.

9 Q. How did you go about trying to kill him?

10 A. We waited for him to come out of his house one
11 morning, and we pulled up with a stolen van.

12 And we was just going to jump out as he got into
13 his car, leaving his house. We were just going to shoot
14 at him, kill him.

15 Q. Did people have guns when you went to try and shoot
16 him?

17 A. Yes.

18 Q. Did you have a gun?

19 A. Yes.

20 Q. What happened?

21 A. As one of my friends jumped out of the van, Frankie
22 Notch, his gun went off by accident.

23 And Greg knew he was going to get killed, and he
24 jumped into his car and drove away with a couple of his
25 guys, so the plan was foiled.

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1280

1 Q. Did you in fact kill Gregory Scarpa?

2 A. No.

3 Q. Did Wild Bill tell you why you were supposed to try
4 to kill Gregory Scarpa?

5 A. Yes.

6 Q. Why?

7 A. He told us it was family business.

8 Q. Did you try to murder anyone in Gregory Scarpa's crew
9 during the Colombo war?

10 A. Yes.

11 Q. Who?

12 A. I don't know the exact names. It was two or three of
13 Greg's guys. And then there was another incident.

14 Q. The incident regarding the two or three of Greg's
15 guys, who if anyone went with you to kill them?

16 A. It was almost the, basically the same hit people.

17 Myself. Vincent DeMartino. Mike Spataro. Gabe Scianna.
18 Joey Tolino. And Frankie Notch.

19 Q. When you tried to kill those two or three guys, did
20 you have a gun?

21 A. Yes.

22 Q. Where did you try to kill them?

23 A. It was in Brooklyn. I don't even remember the exact
24 street.

25 Q. What happened?

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1 A. It was Ralph Apache's daughter's basement house. And 1281
2 we were waiting for him to come down the block, Joey's
3 gun, Joey Tolino's gun, started to go off in the basement
4 by accident, so we just canceled it.

5 Q. Did you ever try to shoot anybody else during the
6 Colombo war?

7 A. Yes.

8 Q. Who?

9 A. Ronald Calvo.

10 Q. Where?

11 A. On 86th Street and 21st Avenue in Brooklyn.

12 Q. Was that near any location?

13 A. It was across the street from Bruno's haircutting.

14 Q. Is that the same Bruno's haircutting you talked about
15 earlier, getting a haircut with Wild Bill?

16 A. Yes.

17 Q. Who was with you when you tried to shoot someone near
18 Bruno's?

19 A. Maybe about 15 guys.

20 Q. When?

21 A. When we were taking Bill to get a haircut.

22 Q. What year?

23 A. That was approximately 1991.

24 Q. Did you shoot at someone?

25 A. Yes.

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1282

1 Q. Did you hit him?

2 A. Yes.

3 Q. Did he live?

4 A. Yes.

5 Q. Did you plead guilty to trying to kill that person?

6 A. Yes.

7 Q. At the time you came in to cooperate with the federal
8 government, had you been charged with trying to kill that
9 person outside Bruno's?

10 A. No.

11 Q. Why did you plead guilty to trying to kill him if you
12 hadn't been charged with it?

13 A. I told the government about all of my crimes. That
14 was my agreement.

15 Q. At some point was a cease-fire reached in the Colombo
16 war?

17 A. Yes.

18 Q. When?

19 A. Approximately 1992, 1993.

20 Q. What caused the cease fire?

21 A. Everybody was getting indicted. In prison. Some
22 guys were dead. Some guys were in prison.

23 Q. After the cease-fire, did there continue to be two
24 factions in the Colombo crime family?

25 A. Yes.

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1283

1 Q. At some point near the cease fire was Wild Bill
2 arrested?

3 A. Yes.

4 Q. What was his position when Wild Bill was arrested?

5 A. Wild Bill was on a committee. The Orena fraction was
6 acting on a committee at that time.

7 Q. How long was Wild Bill in jail?

8 A. Approximately 13 months.

9 Q. Who ran Wild Bill's crew while he was in jail?

10 A. Myself.

11 Q. How were you chosen to run his crew?

12 A. Bill had picked me to run the crew.

13 Q. While Wild Bill was in prison, were you able to
14 communicate with him?

15 A. Yes.

16 Q. How?

17 A. He was incarcerated with my brother, Frank, and I
18 would go see my brother, Frank. I was visiting for both
19 of them, so I was able to see Frank and Wild Bill at the
20 same time.

21 Q. While Wild Bill was in jail, who was running the
22 Orena fraction of the Colombo crime family?

23 A. While he was in jail, it was myself, it was Vinnny
24 Alois, and there was Joe Ramond.

25 Q. When did Wild Bill return from jail?

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1284

1 A. Approximately '94.

2 Q. When Wild Bill came home from jail, what if any
3 discussions did you have with him about his position at
4 that point?

5 A. That he was a soldier. He was broken down as a
6 soldier.

7 Q. What does that mean, broken down?

8 A. He was taken down from a captain to a soldier.

9 Q. Did Wild Bill say why he was now broken to a soldier?

10 A. He just says after everything was going on, the
11 family is in such disarray that that's where we're at
12 right now.

13 Q. After Wild Bill got out of jail, what if any
14 discussions did you have with him about plans for the
15 Colombo family?

16 A. Bill was home for a while, and then eventually him
17 and I had a conversation that Jack DeRoss had got together
18 with him and Jack DeRoss asked him if he would be
19 interested in putting the family back together. And that
20 there was a message from Allie Boy that Allie Boy would be
21 our captain, and we would all want to be with Allie Boy as
22 our captain.

23 Q. Was there a meeting about that?

24 A. Eventually, yes.

25 Q. Where?

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1285

1 A. It was in Staten Island.

2 Q. What location?

3 A. It was one of Jackie's associates in Staten Island on
4 Bay Shore.

5 Q. Who was the associate of Jackie DeRoss?

6 A. Sally Weston.

7 Q. Who was at this meeting in Sally Weston?

8 A. It was myself. It was Wild Bill. It was Alie Boy.
9 It was Jackie. It was Joe Smash and Richie Cap.

10 Q. What was discussed?

11 A. That we start putting the family together and Alie
12 Boy was our captain.

13 Q. Was Alphonse Persico in fact your captain at that
14 point?

15 A. Yes. We all agreed to go with him.

16 Q. Who were Alphonse Persico's soldiers at that point?

17 A. It was myself. It was Wild Bill. It was Jack
18 DeRoss. It was Richie Cap. Joe Smash.

19 Q. At some point did Alphonse Persico hold a different
20 position in the Colombo crime family?

21 A. Yes.

22 Q. What position?

23 A. The acting boss.

24 MS. KEDIA: Can we get a time frame?

25 THE COURT: Yes.

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1286

1 MR. BURETTA: Next question.

2 BY MR. BURETTA:

3 Q. When did Alphonse Persico become the acting boss?

4 A. I would say approximately '97, '98. I'm not sure of
5 the exact year.

6 Q. How did you learn that Alphonse Persico was now your
7 acting boss?

8 A. I was told.

9 Q. Who told you?

10 A. Bill Cutolo.

11 Q. Where were you?

12 A. At the same location in Staten Island on Bay Street.

13 Q. Who was there when you learned that Alphonse Persico
14 was your acting boss?

15 A. It was myself. It was Wild Bill. Jackie DeRoss. It
16 was Albie Boy. It was Joe Smash and Richie Cap. And
17 there was another gentleman present. That was Vincent
18 DeMartino.

19 Q. At that meeting were you told who the leadership of
20 the family would now be?

21 A. Yes.

22 Q. Who were you told would be in the leadership?

23 A. Albie Boy.

24 Q. Was there any discussion of other positions in the
25 administration of your crime family?

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1287

1 A. Yes. That Wild Bill would be the acting underboss
2 and Jackie DeRoss would be the captain.

3 Q. At that point who was your captain?

4 A. Jack DeRoss.

5 Q. As of that point, when Jack DeRoss was your captain,
6 describe for the jury the relationship you saw between
7 DeRoss and Alphonse Persico.

8 A. They had a good relationship.

9 Q. How long was DeRoss your captain?

10 A. From that point on. Till Jack was incarcerated on
11 house arrest.

12 Q. How often did you see Jack DeRoss when he was your
13 captain?

14 A. Once a week. At times twice a week.

15 (Continued on the following page.)

16

17

18

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1 DIRECT EXAMINATION (Continued)

2 BY MR. BURETTA:

3 Q. Once Cutolo, Wild Bill, became the underboss,
4 describe to the jury your relationship with him.

5 A. My relationship with Jack DeRoss?

6 Q. With Wild Bill.

7 A. With Wild Bill? When he became the acting underboss?

8 Q. Yes.

9 A. It started to get distant. Bill got very, very busy
10 with the family running around for the family. And Bill
11 and I started getting distant.

12 Q. Once Wild Bill was the underboss, what, if any,
13 disputes did you have with him?

14 A. That I owed Bill money.

15 Q. How much?

16 A. Approximately \$300,000.

17 Q. For what?

18 A. For shhlocking.

19 Q. Did Wild Bill threaten you in any way?

20 A. He passed around to Jackie that he was going to break
21 my windows.

22 Q. What windows?

23 A. My windows on my car.

24 Q. What kind of car?

25 A. I had a Mercedes Benz.

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1289

1 Q. Was it new?

2 A. It was used.

3 Q. How long before Wild Bill threatened to break the
4 windows in that car did you get that car?

5 A. I would say as soon as I got the car.

6 Q. How do you know Jackie DeRoss knew that Wild Bill had
7 threatened to break your windows?

8 A. Jack told me.

9 Q. What did Jackie DeRoss tell you?

10 A. Jack told me that Bill is a little offended that I
11 owe him this money, and I have gotten this Mercedes Benz.

12 Q. Who told you that Wild Bill had threatened to break
13 the windows in that car?

14 A. Jack DeRoss told me.

15 Q. What was your reaction when Jack DeRoss told you that
16 Wild Bill wanted to break your windows?

17 A. My reaction was, Bill sent that message; I was very,
18 very offended, hurt.

19 Q. Did you discuss with Jack DeRoss that you were
20 offended?

21 A. Yes.

22 Q. At some point were you having an affair with someone
23 affiliated with the Gambino family?

24 A. Yes.

25 Q. Who was that?

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1290

1 A. Rosalie Castellano.

2 Q. How was she related to the Gambino crime family?

3 A. Her father-in-law was Paul's cousin, Paul Castellano.

4 MS. KEDIA: Can we have a time frame?

5 BY MR. BURETTA:

6 Q. When were you having an affair?

7 A. I would say I -- it started maybe around 1994, 1995.

8 I don't remember the exact year.

9 Q. At some point did you have a sit-down about this?

10 A. Yes.

11 Q. Approximately when was the sit-down?

12 A. I would say about 2000, the year 2000, somewhere
13 around -- no, maybe less than that, maybe 1999.

14 Q. Who was at the sit-down?

15 A. It was myself, it was Jack DeRoss, it was Carmine
16 Scianna (ph), Frank Tormini, Frank Castellano.

17 Q. Who was there for the Colombo crime family?

18 A. For the Colombo crime family was myself and Jack.

19 Q. Who was there for the Gambino crime family?

20 A. Frank Castellano and Carmine Capamayo (ph).

21 Q. What were their positions in the Gambino crime
22 family?

23 A. Carmine was a captain and Frank Tormini was a
24 soldier.

25 Q. What was your position, you and Jack DeRoss, in the

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1291

1 Colombo crime family at that sit-down?

2 A. Jack was the captain and I was a soldier.

3 Q. How long after you told Jackie DeRoss that you had
4 been insulted by Wild Bill's threats to break your
5 windows, was this sit-down?

6 A. Maybe weeks. I can't give you the exact time frame.

7 Q. When you went to that sit-down, how did you get
8 there?

9 A. I met Jackie and I drove.

10 Q. How did Jackie get there?

11 A. Jackie drove his car.

12 Q. Where did you meet Jackie?

13 A. It was around the corner from Top Tomato, a fruit
14 and vegetable place.

15 Q. When you met Jackie DeRoss to go to that sit-down,
16 where specifically did you meet?

17 A. It was around the corner from Top Tomato, two blocks
18 away.

19 Q. When you met Jack DeRoss, near Top Tomato, what did
20 you discuss?

21 A. We just -- I said hello to Jack. I was just getting
22 ready to get into the meeting. And we was just basically
23 having a little conversation about going through what we
24 were going to do at the sit-down.

25 And then as we were going through the meeting,

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1 Jack DeRoss asked me how I feel about killing Wild Bill.

2 Q. How long after you had told Jackie DeRoss you were
3 insulted by Wild Bill, did he ask you how you feel about
4 killing Wild Bill?

5 MR. LaRUSSO: Your Honor, asked and answered.

6 THE COURT: Sustained.

7 BY MR. BURETTA:

8 Q. When DeRoss asked you how you would feel about
9 killing Wild Bill, what was Jackie DeRoss' demeanor?

10 A. He was serious.

11 Q. What was your reaction when he asked you about
12 killing Wild Bill?

13 A. I was -- I was taken -- I was taken down. I just put
14 my head down, and I shook my head that he asked me
15 something like that.

16 Q. Why?

17 A. I just was shocked that he would ask me something
18 like that.

19 Q. Weren't you upset with Wild Bill?

20 A. I was hurt by him, yes.

21 Q. Did you want to kill him?

22 A. No.

23 Q. How much time passed between the time DeRoss asked
24 you how you feel about killing Wild Bill, and the time
25 that Wild Bill disappeared?

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1293

1 A. I would say weeks. I can't give you an exact date,
2 but I would say some weeks.

3 Q. Approximately how many weeks?

4 A. I would have to leave that very open there. I'm not
5 sure. I would probably say six weeks, approximately. I'm
6 not sure. I don't remember exactly.

7 Q. What day of the week was it when Wild Bill
8 disappeared?

9 A. It was on a Wednesday.

10 Q. How do you remember that?

11 A. He never came for dinner at the club.

12 Q. Who was at the club that night?

13 A. It was myself and it was Jack DeRoss, Bill, Jr., Joe
14 Sni tch, my brother, Del -- Dan -- so it was maybe about
15 15, 20 guys.

16 Q. Did Wild Bill show up that night?

17 A. No.

18 Q. Did he ever show up again?

19 A. No.

20 Q. What happened when Wild Bill didn't come to the club
21 that Wednesday?

22 A. Everybody was a little bit on edge that he never came
23 or he never called.

24 Q. Did anyone try to reach Wild Bill?

25 A. Yes.

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1294

1 Q. Who?

2 A. His son.

3 Q. Bill, Jr?

4 A. Yes.

5 Q. What was Bill, Jr's demeanor when his dad didn't show
6 up that night at the club?

7 A. He was very, very worried about his father.

8 Q. Did he look like he was faking it?

9 MR. LaRUSSO: Your Honor, objection.

10 THE COURT: Sustained.

11 BY MR. BURETTA:

12 Q. Did anyone ask that Wild Bill be contacted in the
13 club that night?

14 A. Yes.

15 Q. Who?

16 A. Jack DeRoss was asking Bill, Jr, to reach his father.

17 Q. How long did you stay at the club?

18 A. Maybe to about eleven o'clock.

19 Q. What did you do the next day after Wild Bill
20 disappeared?

21 A. I went to Bill's house.

22 Q. Who was there?

23 A. It was myself, it was Peggy Cutolo, Black Dom, Frank,
24 my brother, Frank, and Bill, Jr.

25 Q. What time of day did you get there?

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1295

1 A. Approximately eleven o'clock. I'm not sure exactly,
2 somewhere around there.

3 Q. What was Peggy's demeanor when you got to her house
4 that day?

5 A. Peggy was very, very upset, very nervous, very, very
6 worried.

7 Q. What was Billy Jr's demeanor that day?

8 A. Bill was -- Bill, Jr was very sad, sorry, that he
9 knew -- he knew something wasn't right at all.

10 Q. What was your demeanor that day?

11 A. I was sick. I was devastated. I was hurt because I
12 knew right there and then, Bill ain't never coming home.

13 Q. He was your friend?

14 A. Yes. At that time I mourned my friend.

15 Q. After awhile that Bill disappeared, did Jackie DeRoss
16 summon anyone to meet with him?

17 A. Yes.

18 Q. Who?

19 A. He had called Black Dom in.

20 Q. Do you know Black Dom's real name?

21 A. Dominic Di onisio.

22 Q. Who's crew was Black Dom in?

23 A. Wild Bill.

24 Q. How do you know that Jackie DeRoss summoned Dom to
25 meet with him?

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1296

1 A. Dom had called me and told me he got a phone call
2 from Jack, and he was all worried and upset about it, and
3 he asked me to go with him.

4 Q. Did you go?

5 A. I followed Dom in the car.

6 Q. Did anyone take guns?

7 A. Yes.

8 Q. Who?

9 A. Black Dom and I had guns.

10 Q. Why?

11 A. Because I didn't know what to expect; he didn't know
12 what to expect. Just wanted to be secure, safe.

13 Q. What happened?

14 A. And I told Black Dom as soon as he gets a chance to
15 call me. And Black Dom had called me later on, and he
16 said that he was with Alie Boy, George Tropiano and
17 Jack.

18 MR. LaRUSSO: Could we just get a time frame for
19 this?

20 THE COURT: Do you know when this occurred, sir?

21 THE WITNESS: This was maybe about a week, a
22 week and-a-half after Bill disappeared, approximately
23 around there.

24 BY MR. BURETTA:

25 Q. When Black Dom told you who was at the meeting, Alie

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1297

1 Boy Persico, Jack DeRoss and George Tropiano; did Black
2 Dom tell you what they said?

3 A. What he told me from what I remember, it was what did
4 Dom have going on in the streets. And something about
5 some phone card business, or some phone business that he
6 had an investment with Bill about.

7 Q. Bill who?

8 A. Bill Cutolo.

9 Q. Did you learn that DeRoss summoned anyone else to
10 meet with him?

11 A. Yes. Then I had gotten a phone call from Richie Cap.
12 Richie Cap had told me Jack DeRoss had called him in for a
13 meeting.

14 Q. Who is Richie Cap?

15 A. Richie Cap was an associate.

16 MS. KEDIA: Can we get a time frame? I'm sorry.

17 BY MR. BURETTA:

18 Q. When did that happen?

19 A. That was approximately about two weeks -- a week, two
20 weeks after Bill disappeared.

21 Q. Did you talk to Richie Cap?

22 A. Yes.

23 Q. What did Richie Cap tell you?

24 A. Richie Cap had told me Jack DeRoss called him and
25 told him to meet him very, very early in the morning. And

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1 that he was -- Jack DeRoss was there with Vincent
2 DeMartino, and they were threatening to kill him if Richie
3 didn't tell everything he had going on in the streets.

4 Q. Who is Vincent DeMartino?

5 A. Vincent DeMartino, he's is a soldier in the family.

6 Q. Show you Government Exhibit 2P.

7 Do you recognize that person?

8 A. Yes, that is Vincent DeMartino.

9 Q. What is his name?

10 A. Chi ckie.

11 Q. Show you Government Exhibit 2T.

12 Do you know who that is?

13 A. That is Jack DeRoss.

14 Q. When Richie told you that Jack DeRoss and Chi ckie had
15 threatened to kill him, what was your reaction?

16 A. I was surprised Jackie would even have to do that.

17 Q. Why?

18 A. Because Richie is an associate, and Richie would have
19 told Jack anything he wanted without going through that
20 phase and getting threatened.

21 Q. Did you meet with Jackie DeRoss when you found out
22 that he had threatened to kill Richie Cap?

23 A. Yes.

24 Q. What -- where did you go?

25 A. I went to Jack's house.

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1299

1 Q. Where is Jack's house?

2 A. In Staten Island.

3 Q. Who was there when you got there?

4 A. If I remember correctly his wife answered the door,
5 and Jackie was home. And Jack and I went in his backyard.

6 Q. When you went in Jackie's backyard, why did you go
7 there?

8 A. I needed to know what was going on with Richie Cap
9 and just what was going on. Why did they have to threaten
10 this kid? This kid was close to me.

11 Q. When you went in Jackie's backyard, what did he say
12 to you?

13 A. Jackie told me that he had to find out what The Kid
14 had. And Jackie says, All right. Forget about
15 everything. He said, I'll put Richie with you from now
16 on.

17 And then I asked him what else is going on.
18 Jackie just told me the situation with Wild Bill, that
19 Bill had to go, he was getting too powerful. If, when
20 Albie Boy went away on a gun charge, Bill would have took
21 over the family. And he would have never gave the family
22 back to Albie Boy. And that Bill had to go. He was too
23 powerful.

24 And Jackie was offended that Bill had too much
25 going on. He was offended that Bill's girl friend had a

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1300

1 bigger house than he did.

2 Q. When Jackie DeRoss told you that Wild Bill had to go,
3 what did you understand that to mean?

4 A. That Bill Cutolo was dead.

5 Q. When Jackie DeRoss told you that The Kid was going
6 away on a gun charge, what did you understand that to
7 mean?

8 A. Allie was going away to prison.

9 Q. When DeRoss said that Wild Bill would have took over
10 the family, what did you understand that to mean?

11 A. That Bill would have just became the acting boss of
12 the family.

13 Q. Did you know whether Wild Bill's girlfriend's house
14 was bigger than Jackie DeRoss's house?

15 A. Yes.

16 Q. Was it bigger?

17 A. Yes.

18 Q. At some point after Jackie DeRoss told you that Wild
19 Bill had to go, did you meet with Allie Boy Persico?

20 A. Yes.

21 Q. When?

22 A. Approximately three weeks after Bill disappeared.

23 Q. Showing you Government Exhibit 2D.

24 Who is that?

25 A. That's Allie Boy.

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1301

1 Q. Where did you go to meet with Allie Boy?

2 A. Jack and I had met Allie at a house in Brooklyn.

3 Q. Where?

4 A. I would say around 78th Street off of 12th Avenue in
5 Brooklyn.

6 Q. How did you get to the meeting with Allie Boy?

7 A. I drove there.

8 Q. Did you drive directly to the house?

9 A. Jack and I had met, from what I remember,
10 approximately a block away or a block and-a-half away.
11 And then we went there.

12 Q. Describe to the jury what that house looked like
13 where you met Allie Boy?

14 A. It was a one-family house attached on one side.

15 Q. How did you enter the house?

16 A. Through a front door.

17 Q. Where did you go in the house?

18 A. As soon as you walk in, there was a living room,
19 dining room.

20 Q. Who was there?

21 A. It was Allie Boy, myself and Jack DeRoss.

22 Q. Who spoke?

23 A. Jack.

24 Q. Where was Allie Boy when Jackie spoke to you?

25 A. Allie Boy was sitting next to Jack.

CampANELLA - for the Government - Direct/Mr. Buretta

1302

1 Q. What did Jack say?

2 A. He says that we'll lie no more. Bill is gone.

3 And he says it would be family business as
4 usual. And Jackie had told me that the money that I owed
5 Bill was to be squashed, and not to pay it back.

6 And that Jack had asked me about how I feel
7 about Vincent DeMartino. And I told Jack and Alie I had
8 no beef with Vincent DeMartino. If Chickie -- Vincent
9 DeMartino was stuck on the street, or on the side of the
10 road, that I would stop and help him.

11 Q. What was your reaction when Jackie DeRoss asked you
12 at that meeting about Vincent DeMartino?

13 A. It was strange. I don't know why he would ask me
14 about Vincent, my relationship with Vincent; why that
15 would come up at that meeting.

16 Q. To your knowledge had Wild Bill had any disputes with
17 Vincent DeMartino in the past?

18 A. Yes.

19 Q. When?

20 A. When they were incarcerated together. There was a
21 little dispute or argument when they were down -- I
22 believe it was 29th Street in Brooklyn.

23 Q. What did Wild Bill tell you the dispute was?

24 A. It was over another captain, Joey Amato, that Vincent
25 had lashed out on him, had an argument with Joe Amato.

CampANELIA - for the Government - Direct/Mr. Buretta

1303

1 And Joe Amato told Bill, and Bill had to make Chickie
2 understand that he couldn't talk like that -- speak like
3 that to a captain in front of anybody.

4 Q. Did Chickie ever accuse you of anything?

5 A. Yes.

6 Q. When?

7 A. After Bill had come home -- somewhere, approximately
8 '94, '95, Chickie had accused me of sleeping with his
9 wife.

10 Q. Was that true?

11 A. No.

12 Q. Did you ever talk to Chickie about that?

13 A. No. He never got together with me.

14 Q. Did you talk to Wild Bill about it?

15 A. Yes.

16 Q. What was said?

17 A. I told Bill -- I don't even know where he would even
18 get that from. I told him it was crazy.

19 Q. At some point was Chickie on parole?

20 A. Yes.

21 Q. When was that?

22 A. I would say approximately '96. I'm not sure exactly;
23 somewhere around there.

24 Q. To your knowledge did Jack DeRoss meet with Chickie
25 while he, Chickie was on parole?

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1304

1 A. Yes.

2 Q. How do you know that?

3 A. Jackie had told me he was leaving the club to go see
4 Vincent.

5 Q. Did DeRoss tell you where he would meet Chickie while
6 Chickie was on parole?

7 A. Told me he was going to 65th Street and Utrecht
8 Avenue in Brooklyn.

9 MS. KEDIA: Can we have a time frame?

10 THE COURT: Did he give a time frame?

11 MR. BURETTA: The witness provided the time
12 frame.

13 BY MR. BURETTA:

14 Q. Were any Colombo associates put with Chickie after
15 Wild Bill disappeared?

16 A. Yes.

17 Q. Who?

18 A. Johnny Brains, John The Barber, and there might have
19 been one other guy, I'm not remembering his name right
20 now.

21 Q. How long after Wild Bill disappeared was John The
22 Barber put with Chickie?

23 A. I would say right after, right after Bill
24 disappeared.

25 Q. At some point after Wild Bill disappeared, did

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1305

1 Alphonse Persico go to jail?

2 A. After Bill disappeared, Albie went to prison, yes.

3 Q. How long after Wild Bill disappeared did Albie Boy go
4 to jail?

5 A. Approximately a year, a year and-a-half later.

6 Q. While Alphonse Persico was in jail, who ran the
7 Colombo crime family?

8 A. It was being run on a committee besides Joe Waverly.
9 Joe Waverly was the consigliere. On the committee was
10 Jack DeRoss, Benji and Tommy Giolli.

11 Q. Having known that Jackie DeRoss was helping to run
12 the family after Alphonse Persico went to jail -- how did
13 you know?

14 A. Jack had told me.

15 Q. At some point after Wild Bill disappeared, did your
16 relationship with Frankie DeRoss change?

17 A. It changed in a sense. I really didn't know who to
18 trust and how to trust. And everything was very
19 questionable.

20 Q. Did you still meet with DeRoss after Wild Bill
21 disappeared?

22 A. Yes.

23 Q. At some point was DeRoss arrested?

24 A. Yes.

25 Q. Approximately when?

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1306

1 A. I would say approximately 2001.

2 Q. While DeRoss's charges were pending, was he under
3 house arrest?

4 A. Yes.

5 Q. What is house arrest?

6 A. He was staying in his home and he wasn't allowed to
7 come out of his house unless he had a medical problem or
8 to get together with his lawyer or come to court.

9 Q. Did you try to send any messages to Jackie DeRoss
10 while he was on house arrest?

11 A. Yes.

12 Q. How?

13 A. Through his nephew, Skip -- Carmine -- Skippy DeRoss.

14 Q. What, if any, position did Skippy DeRoss have in the
15 Colombo crime family?

16 A. He was an associate.

17 Q. Where would you meet Skippy to give him messages for
18 Jackie?

19 A. I would go to Staten Island on Bay Street, the same
20 block as Jackie's associate, Sallie, works. One on -- in
21 the middle of the block there would be a delicatessen, and
22 I would see Carmine over there.

23 Q. Did Carmine have any businesses there?

24 A. On the corner, if I remember correctly, was some sort
25 of plumbing business.

CampANELIA - for the Government - Direct/Mr. Buretta

1307

1 Q. Before Jackie was arrested, did you ever see Jackie
2 and Carmine in Carmine's office?

3 A. Yes.

4 Q. After Jackie's arrest, did you see other Colombo
5 members or associates that Carmine talked to?

6 A. Yes.

7 Q. Who?

8 A. Michael Spataro.

9 Q. Was Michael Spataro sending messages to Jackie DeRoss
10 in jail, to your knowledge?

11 A. Well, I know Michael was getting messages, yes.

12 Q. How do you know that?

13 A. Because one night I was in the bar, and Michael
14 Spataro had come in, and he was asking Joey Green Eyes and
15 Chi ckie if he had shyl ock money to pick up for Jackie
16 DeRoss. And Michael Spataro asked Joey Green Eyes to meet
17 wi th him for shyl ock money.

18 Q. Showing you Government Exhibit 2D. Who is that?

19 A. That's Carmine Skippy DeRoss.

20 Q. Is that the person you were giving messages for
21 Jackie DeRoss while Jackie was on house arrest?

22 A. Yes.

23 Q. Did your messages to Jackie get through?

24 A. No.

25 Q. Why?

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1308

1 A. Because his nephew told me he wasn't able to reach
2 him.

3 Q. Were others reaching him?

4 A. I would say, yes.

5 Q. Showing you Government Exhibit 2NN. Who is that?

6 A. Michael Spataro.

7 Q. Did he have a nickname?

8 A. Mikey Spats.

9 Q. Is that the same Mikey Spats you said was getting
10 messages to Jackie DeRoss?

11 A. Yes.

12 Q. At some point, sir, did a business you controlled get
13 searched by the FBI?

14 A. Yes.

15 Q. What business?

16 A. Savannah Medical Supply.

17 Q. Where was it?

18 A. It was in Brooklyn on 17th Avenue.

19 Q. Were you committing crimes through that location?

20 A. Yes.

21 Q. What crimes?

22 A. I was committing medical fraud, extortion and
23 shhlock.

24 Q. When was that location searched?

25 A. I would say in the early part of 2001.

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1309

1 Q. Mr. CampANELLA, did you tell anyone in Colombo crime
2 family that location had been searched?

3 A. Yes.

4 Q. Who did you tell?

5 A. Mikey Spats.

6 Q. Sir, at some point were you shot?

7 A. Yes.

8 Q. Approximately how long after you told Mikey Spats
9 your business had been searched by the FBI were you shot?

10 A. I would say some weeks, I don't know exactly how many
11 weeks. I would say weeks, though.

12 Q. When were you shot?

13 A. July 16, 2001.

14 Q. Tell the jury what you did that day before you were
15 shot.

16 A. I went to the gym in Brooklyn. After the gym, I had
17 left. I drove out of the parking lot maybe about
18 eleven o'clock. And I made a right turn, and I noticed a
19 green mini -van with tinted windows was following me.

20 So I drove along Cropsy Avenue towards Coney
21 Island, Brooklyn. And then I drove to Surf Avenue, made a
22 right turn. And I noticed the green mini -van was still
23 following me.

24 So then I went to approximately West 32nd,
25 West 33rd Street. I made a U-turn. I got a parking spot

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1310

1 by a Johnny pump, and I proceeded to go to the beach.

2 Q. What is a Johnny pump?

3 A. A fire hydrant.

4 Q. What neighborhood in Brooklyn were you in at this
5 point?

6 A. That was the Seagate, Coney Island. It's Coney
7 Island.

8 Q. What happened next?

9 A. And then I stood at the beach for maybe about --
10 until about maybe two o'clock. I left the beach. I went
11 onto the boardwalk.

12 I noticed there was a pay phone there. I made
13 believe I was making a phone call and noticed the green
14 mini -van across the street on Surf Avenue.

15 And then I just walked to my car. And as I
16 walked to my car, I noticed the green mini -van was coming
17 at me. I thought it was the FBI, to indict me or
18 surveil lance me.

19 And as the green mini -van got to my car. I
20 would say maybe about 12 feet behind my car, I noticed it
21 was Chicken DeMartino in the passenger seat, and John The
22 Barber in the driver's seat. I waved at them. And that's
23 when Vincent DeMartino pulled out a gun and started
24 shooting at me.

25 Q. Did you -- do you like talking about that?

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1311

1 A. No.

2 Q. Showing you Government Exhibit 2CC. Who is that?

3 A. That's John The Barber.

4 Q. When you were shot, who was driving the mini -van?

5 A. John The Barber was driving.

6 Q. Who shot you?

7 A. Vincent DeMartino.

8 Q. Were you hit?

9 A. Yes.

10 Q. Where?

11 A. I was hit in the arm, and I was hit in the foot.

12 MR. BURETTA: May I approach the witness, your
13 Honor?

14 THE COURT: Yes.

15 BY MR. BURETTA:

16 Q. Showing you Government Exhibit 18.

17 Is this a fair and accurate depiction of the
18 wounds you sustained July 16, 2001?

19 A. Yes.

20 MR. BURETTA: I offer 18.

21 MS. KEDIA: No objection.

22 MR. LaRUSSO: No objection.

23 THE COURT: Received in evidence.

24 (Government Exhibit 18 in evidence.)

25

Campanel I a - for the Government - Direct/Mr. Buretta

1312

1 BY MR. BURETTA:

2 Q. Which arm were you shot in?

3 A. My left arm.

4 Q. Which foot?

5 A. My left foot.

6 Q. How did you feel about the Colombo crime family when
7 you were shot?

8 A. I was hurt.

9 Q. What was Chickey's position in the Colombo crime
10 family when he shot you?

11 A. He was a soldier.

12 Q. What was John The Barber's position?

13 A. John The Barber was a soldier.

14 Q. Who was Chickey's captain when he shot you?

15 A. Jack DeRoss.

16 Q. Did you go to the hospital?

17 A. Yes.

18 Q. At some point, sir, did you start meeting with the
19 government after you were shot?

20 A. Yes.

21 Q. Representatives of the government visit you in the
22 hospital?

23 A. Yes.

24 Q. Did you lie to them that day?

25 A. Yes.

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1313

1 Q. How did you lie?

2 A. I told them I don't know who shot me.

3 Q. Why did you lie?

4 A. Because I was still in the life.

5 Q. At some point later, did you reach out to the
6 government?

7 A. Yes, eventually we had gotten together.

8 Q. Did you begin telling -- selling information to the
9 government?

10 A. Yes, when I was present with a lawyer.

11 MS. KEDIA: May we get a time frame, again, your
12 Honor?

13 THE COURT: Yes.

14 BY MR. BURETTA:

15 Q. When was that?

16 A. That was then maybe a couple of months after I got
17 shot, approximately.

18 Q. Had you been arrested when you started meeting with
19 the government?

20 A. No.

21 Q. Had you been charged with anything?

22 A. No.

23 Q. Did you talk to the government at that point?

24 A. Yes, we spoke.

25 Q. Were you ready?

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1314

1 A. No.

2 Q. Why?

3 A. I just wasn't ready, and then I just broke my ties
4 off.

5 Q. In those first meetings with the government, when you
6 had not been arrested, were you completely honest?

7 A. I didn't tell the government everything then.

8 Q. What did you leave out?

9 A. I left out Vincent DeMartino, that he was the
10 shooter.

11 Q. Why?

12 A. Because I was just uncertain. I was very confused.

13 Q. Why?

14 A. I was -- that is where I was at. I was still in the
15 Mob. I was still very hurt. I was still confused. And I
16 just stood there and just was dormant.

17 Q. What were you confused about?

18 A. I didn't know where to go, who to trust, who I can't
19 trust. And that's the way it was for my life for awhile.

20 Q. At some point were you arrested?

21 A. Yes.

22 Q. When?

23 A. That was in November of 2002.

24 Q. On what charges?

25 A. Racketeering, extortion, medical fraud, loanshark.

Campanel I a - for the Government - Direct/Mr. Buretta

1315

1 Q. Had you been charged when you were arrested with
2 conspiring to murder anyone?

3 A. No.

4 Q. Did you cooperate at this point fully?

5 A. No.

6 Q. What happened?

7 A. Then I just was waiting to get out on bail. And as I
8 was waiting to get out on bail, I didn't make it. And I
9 was just waiting for some of my friends to come help my
10 family with money. And then I just learned that there was
11 nothing coming in. And I really had no funds.

12 And then I was just -- my back was against the
13 wall. And I just decided to cooperate after the holidays.

14 MS. KEDIA: Your Honor, I'm sorry. If we're
15 done with this exhibit. It is a bit of a distraction.

16 THE COURT: Oh, sure. You're done, right?

17 MR. BURETTA: Yes, Judge. Thank you.

18 BY MR. BURETTA:

19 Q. When you started cooperating with the government, at
20 that point did you tell them everything?

21 A. Yes.

22 Q. Did you have a lawyer?

23 A. Yes.

24 Q. Did you discuss all your own crimes?

25 A. Yes.

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1316

1 Q. Did you discuss crimes others had committed?

2 A. Yes.

3 Q. Did you talk about other crime families besides the
4 Colombo family?

5 A. I spoke about the five families, yes. I don't
6 remember exactly what I said. To my best knowledge I gave
7 the government everything I could possibly give them.

8 MR. BURETTA: May I approach the witness, your
9 Honor.

10 THE COURT: Yes.

11 BY MR. BURETTA:

12 Q. I show you 3500 JC1.

13 Do you recognizes that?

14 A. Yes.

15 Q. Is that your cooperation agreement?

16 A. Yes.

17 MR. BURETTA: I offer it.

18 MS. KEDIA: I have no objection.

19 MR. LaRUSSO: No objection, your Honor.

20 THE COURT: Received in evidence.

21 (Government Exhibit 3500 JC1 in evidence.)

22 BY MR. BURETTA:

23 Q. Mr. Campanel I a, is this the written agreement you
24 have with the government?

25 A. Yes.

CampANELIA - for the Government - Direct/Mr. Buretta

1317

1 Q. Do you have any other agreement?

2 A. No.

3 Q. In paragraph 1 it reads, The defendant will waive
4 indictment and plead guilty to count one of the
5 above-referenced information charging -- and it goes on to
6 list various statutes.

7 Is one of the charges you pled guilty to as part
8 of the cooperating, conspiring to murder someone?

9 A. Yes.

10 Q. Is that the most serious crime you have ever
11 committed in your life?

12 A. Yes.

13 Q. Is that the man you shot?

14 A. There was one on Gregory Scarpa, conspiracy to
15 murder, I did shoot. And Ronald Calder, robbery.

16 Q. Why did you plead guilty to conspiring to murder
17 someone as part of your cooperation if you hadn't been
18 charged with it already?

19 A. Because I had to reveal all of my crimes and the
20 government would choose from it.

21 Q. What was the maximum sentence you faced before you
22 cooperated?

23 A. Eighteen years.

24 Q. What was the maximum sentence you faced after you
25 cooperated?

CampANELIA - for the Government - Direct/Mr. Buretta

1318

1 A. Thirty years.

2 Q. What is your understanding of your obligations under
3 this agreement?

4 A. That if I breach my agreement, I could get charged
5 with all of my crimes.

6 Q. Have you already been sentenced, sir?

7 A. Yes.

8 Q. What sentence did you receive?

9 A. 39 months.

10 Q. Did the government recommend 39 months to anyone?

11 A. No.

12 Q. Did the government promise you anything about your
13 sentence when you cooperated?

14 A. No.

15 Q. Who decided your sentence?

16 A. Judge Amon.

17 Q. Is she a federal judge?

18 A. Yes.

19 Q. In the Eastern District of New York?

20 A. Yes.

21 Q. And paragraph 6 of your agreement, it states the
22 office will not recommend to the Court a specific sentence
23 to be imposed.

24 Is that your understanding of what happened?

25 A. Yes.

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1319

1 Q. Have you served your sentence in full?

2 A. Yes.

3 Q. Do you want to be here today?

4 A. No.

5 Q. Did you get anything by being here today?

6 MS. KEDIA: Objection, your Honor.

7 THE COURT: Sustained.

8 BY MR. BURETTA:

9 Q. Is there any benefit you get from the government for
10 appearing here today?

11 MS. KEDIA: Objection, your Honor.

12 THE COURT: Please approach. Actually, this is
13 a good time to take our afternoon break.

14 Don't discuss anything about the case. Come
15 back in 15 minutes.

16 (The jury left the courtroom at 3:00 p.m.)

17 THE COURT: You can step down.

18 (Witness left the courtroom).

19 THE COURT: Your objection?

20 MS. KEDIA: Your Honor, this is precisely what
21 the government has been asking me not to do during
22 cross-examination of various witnesses, and you now the
23 government is doing exactly the same thing; which is
24 talking about what the witness is required to do and not
25 required to do under this agreement.

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1 Obviously, the agreement is in evidence, speaks
2 for itself and lays out exactly what the witness is
3 required to do and not required to do under the agreement.

4 MR. BURETTA: Judge, the defense has been fully
5 entitled to cross-examine witnesses about their motives
6 for being here and any benefits they get. We've done that
7 both on direct and cross of other witnesses.

8 They are going to inquire of this witness if --
9 they opened on the motive of these witnesses testifying.
10 This is not an objectionable question as to whether he
11 gets any benefit from being here today.

12 MS. KEDIA: He has already been sentenced. He
13 has already told the jury what benefit he got. And the
14 government has already put in his agreement, specific
15 agreement showing what benefit he was to receive.

16 THE COURT: It should be clear to the jury, and
17 the question, I assume, that has been put to the witness,
18 is to make certain that the witness is not getting any
19 additional benefits; not being paid for his testimony, not
20 doing any community service maybe. I don't know. There
21 could be a whole variety of benefits that he may get. He
22 may get his right to vote restored to him. He may get
23 whatever it may be.

24 So I think the government's question is an
25 appropriate one, and I'll allow it. Okay?

CampANELLA - for the Government - Cross/Ms. KEDIA

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1 (A recess was taken at 3:02 p.m.)

2 (The jury entered the courtroom at 3:21 p.m.)

3 THE COURT: Please be seated. We're ready to
4 resume.

5 MR. BURETTA: No further questions.

6 THE COURT: All right.

7

8 CROSS-EXAMINATION

9 BY MS. KEDIA:

10 Q. Mr. CampANELLA, good afternoon.

11 A. Good afternoon.

12 Q. You just testified on direct something about you
13 don't want to be here today. Right?

14 A. No.

15 Q. But you certainly would rather be here in this
16 courtroom than in jail. Right?

17 A. I don't know. I don't have the answer for that.

18 Q. Well, Mr. CampANELLA, you made a deal to cooperate
19 with the government. Right?

20 A. Yes.

21 Q. And that was certainly a decision that you took a
22 long time in making. Right?

23 A. Yes.

24 Q. In fact, you started talking to the government back
25 in the fall of 2001. Right?

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1 A. Yes.
2 Q. And you testified that at that time you were so
3 uncertain and confused about what you should do, that you
4 didn't even bother to tell them that you knew who shot
5 you.

6 MR. BURETTA: Objection to the characterization.
7 THE COURT: Sustained.

8 BY MS. KEDI A:

9 Q. That you didn't tell them that you knew who shot you.
10 Right?

11 A. Right.
12 Q. And in fact, you decided you're going to quit talking
13 to the government altogether. Right?

14 A. Yes.
15 Q. And by 2002, you were living life as usual. Right?
16 A. What do you mean by that?

17 Q. Well, you were continuing to commit crimes?

18 A. Yes.
19 Q. You were engaging in frauds and extortions, as you
20 had been for many, many years. Right?

21 A. Yes.
22 Q. And you continued to do that until you were arrested
23 in November of 2002?

24 A. Yes.
25 Q. And at that time, in November of 2002, when you were

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 arrested, you were incarcerated. Right?

2 A. Yes.

3 Q. That is the first time in your life that you were
4 ever incarcerated?

5 A. Yes.

6 Q. Even though you had been committing criminal activity
7 for how many years at that point in time?

8 A. Since 1979, 1980.

9 Q. Certainly, even long before you became involved with
10 the Colombo family. Right?

11 A. Yes.

12 Q. And when you were incarcerated, you said you didn't
13 make bail. Is that right?

14 A. Correct.

15 Q. And explain to the jury what that means.

16 A. Every time I went to make bail to get out on bail,
17 the magistrate went from 500,000 to a million to a million
18 and-a-half. And then I just had told my wife, forget
19 about it. I would rather stay in than drive everybody
20 crazy.

21 Q. Meaning that bail was set at a certain amount. Is
22 that right?

23 A. Every time I went for bail, yes, it got higher and
24 higher.

25 Q. When you say every time you went for bail; how many

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1324

1 times did you go for bail?

2 A. If I remember correctly, it was two or three.

3 Q. And you say the magistrate -- you're talking about
4 the judge that was presiding over these proceedings.

5 Right?

6 A. Correct.

7 Q. And the Magistrate Judge set bail on one occasion
8 for, let's say, a half million dollars. Is that right?

9 A. They just asked for a half million, the government
10 asked for a high bail. But the magistrate didn't release
11 me from it. They went from 500 to, I believe a million.

12 Q. Did you say the Magistrate Judge released you?

13 A. Never released me. They went from 500, I believe, to
14 a million.

15 Q. Well, was there a second proceeding where it went to
16 a million?

17 A. Yeah, there was a second proceeding. I don't
18 remember exactly what the figures were at that.

19 Q. In any event, you certainly didn't get bail. Right?

20 A. Correct.

21 Q. And you remained incarcerated. Correct?

22 A. Correct.

23 Q. And after being incarcerated for a period of a few
24 weeks, you decided, I'm going to cooperate now?

25 A. Yes.

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1 Q. And your decision to cooperate was for the purpose of
2 getting yourself out of that situation. Right? Out of
3 jail?

4 A. It was a lot of reasons, Counselor. It was a lot of
5 reasons.

6 Q. Well, certainly a primary motivation was for you to
7 get out of jail. Right?

8 A. Yes, to get out and get on a new path in life.

9 Q. When you eventually -- the Judge sentenced you, you
10 testified to 38 months?

11 A. I was sentenced to 39 months.

12 Q. 39 months. And certainly had the Judge sentenced you
13 to 12 months you would have been happier. Right?

14 A. Yeah.

15 Q. Now, Mr. Buretta just asked you about whether you
16 actually got -- had any agreement with the government.
17 Right?

18 A. Yes, he asked me about my agreement.

19 Q. And you were shown a cooperation agreement, which is
20 now in evidence. Right?

21 A. Correct.

22 Q. And in fact, the deal that you got from the
23 government as part of that cooperation agreement, is that
24 they would write a letter to the Judge on your behalf.
25 Right?

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1 A. (No verbal response.)

2 Q. And if you cooperated with the government, the letter
3 would explain to the Judge what it is that you did, in
4 terms of cooperation. Right?

5 A. Yes.

6 Q. And depending on the type of cooperation you gave,
7 the letter would be better or the letter would be worse.
8 Right?

9 A. Depends on what you mean by -- depends on what kind
10 of cooperation. What do you mean by that?

11 Q. Well, do you understand what 5K1 is?

12 A. Yes. Are you talking about how many crimes you
13 committed? That is what you're referring to, depending
14 on --

15 Q. I'm asking a different question.

16 Do you understand what a 5K1 is?

17 A. I understand but not exactly right now, though. I
18 heard it, yes.

19 Q. Can you explain your understanding?

20 A. I just know that I heard about it. I don't know
21 exactly right now. But from what I remember, if I'm
22 correct -- I'm not sure. Is that the letter you're
23 talking about that they wrote to the Judge?

24 Q. Yes. They wrote a letter to the Judge?

25 A. Yes.

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1 Q. And you understood that they would write a letter to
2 the Judge. Is that right?

3 A. Correct.

4 Q. And that was their part of the agreement. Right?

5 A. Yes.

6 Q. Now, Mr. CampANELLA, you had actually met an
7 investigator who was working for Mr. Persico's attorneys.
8 Right?

9 A. I met an investigator. I don't recall it.

10 Q. A man by the name of Ronald Dwyer?

11 A. I don't remember that.

12 Q. Do you remember last year at your house a man by the
13 name of Ronald Dwyer coming by with a subpoena?

14 A. Oh, yes.

15 Q. And tell the jury when that was.

16 A. I don't know the exact date it was; it was somewhere
17 around last year, I believe.

18 Q. Fall of last year?

19 A. I don't remember exactly.

20 Q. And what happened?

21 A. And he had come to the house, and --

22 THE COURT: All right. We'll take a break for a
23 moment.

24 Mr. CampANELLA, I can't see you with the screen.

25 Will counsel approach for one moment.

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1 (The following occurred at sidebar.)

2 THE COURT: I didn't mean to interrupt the
3 questions, but I just want to double check with the
4 government. He has been told not to say he was subpoenaed
5 for trial. Right?

6 MR. BURETTA: He has, Judge.

7 THE COURT: Because his recollection is a little
8 shaky. And he got a subpoena. I'm not sure what subpoena
9 this is for. What was this for?

10 MS. KEDIA: It was a subpoena for his wife,
11 actually. And I don't have a problem if he wants the
12 government to instruct him again not to say the first
13 trial, Judge.

14 THE COURT: I didn't know where you were going.

15 MS. KEDIA: I'm not going to ask him questions,
16 about the first trial.

17 MR. BURETTA: What trial was this for, the first
18 one, the wife?

19 MS. KEDIA: For his wife. It was for, during
20 the course of the trial.

21 MR. BURETTA: The first trial.

22 MS. KEDIA: I'm not going to ask him what the
23 subpoena was for.

24 MR. BURETTA: No, I just don't know, so was the
25 subpoena --

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1 MR. GOLDBERG: For the last time or this time?

2 MS. KEDI A: The subpoena for what I'm asking
3 about right now. Was the subpoena for the wife the last
4 time with you? I'm not going to ask him what the subpoena
5 was for.

6 MR. BURETTA: If that is what it is for, I would
7 like to instruct him then so we don't --

8 MS. KEDI A: I don't have a problem with that.

9 THE COURT: Have the jury step out.

10 MR. BURETTA: I don't know how to do that.

11 MS. KEDI A: Your Honor, what I was going to do
12 is ask that the jury step out, and have the Court
13 instruct, rather than have any communication.

14 THE COURT: Where are you going with this
15 question?

16 MS. KEDI A: The investigator had a conversation
17 with him, is what I was going to ask him about.

18 THE COURT: About the subpoena?

19 MS. KEDI A: No. He had a conversation with the
20 investigator not related to --

21 THE COURT: Relating to the facts here?

22 MS. KEDI A: Relating to facts here.

23 THE COURT: And have you disclosed that
24 conversation with the government?

25 MS. KEDI A: No, your Honor. It is

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1 cross-examination.

2 THE COURT: I realize that. But so at this
3 point I don't want him to say something that he shouldn't
4 say.

5 MS. KEDI A: I completely understand that, Judge.
6 That is why I'm asking the Court to instruct him not to.

7 THE COURT: In terms of this issue with the
8 subpoena, are you saying that the witness gave the
9 investigator a statement?

10 MS. KEDI A: He had -- not a written statement,
11 if that is what you're asking. He had a conversation with
12 him.

13 THE COURT: Okay.

14 MR. BURETTA: I just need to instruct him.

15 (The following occurred in open court.)

16 THE COURT: Ladies and gentlemen I hate to do
17 this to you, but I do need five minutes to conference
18 something. So certainly -- I apologize.

19 (The jury left the courtroom at 3:32 p.m.)

20 (The following occurred in open court:)

21 THE COURT: Have a seat, Mr. Campanel I a.

22 Mr. Campanel I a, the reason that we broke for a
23 moment was I wanted to be sure that you would not say
24 anything with respect to the prior trial in which the
25 defendants were here, or were tried previously. And I

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1 wasn't certain if you remembered it in the context of the
2 question that was being asked.

3 You're not to say trial, anything to do with the
4 trial, referring to your wife or anybody else. All right?

5 THE WITNESS: Okay.

6 THE COURT: Yes.

7 MR. BURETTA: Well, I hesitate to say it in
8 front of the witness, so perhaps we can have a sidebar for
9 a moment.

10 THE COURT: Sure. Come up.

11 (The following occurred at sidebar.)

12 MR. BURETTA: I am hopeful we could ask this in
13 a way that it doesn't refer to the subpoena. Just, did he
14 have a conversation with the -- with an investigator that
15 came to his house.

16 MS. KEDIA: That is fine.

17 MR. BURETTA: Because the subpoena really has no
18 bearing on it at all. Okay?

19 THE COURT: All right. Bring them back in now.

20 (The following occurred in open court:)

21 MR. BURETTA: Just for the record, as long as we
22 moved to excuse any potential witnesses -- I don't know if
23 there are any.

24 THE COURT: Are there any witnesses in the
25 courtroom that the defense intends to call?

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1 MS. KEDI A: Certainly, your Honor.

2 THE COURT: In the courtroom, other than the
3 defendants?

4 MS. KEDI A: Oh, no.

5 MR. LaRUSSO: Out in the corridor.

6 MS. KEDI A: No, your Honor, there are no
7 witnesses here.

8 MR. LaRUSSO: No, your Honor.

9 (The jury entered the courtroom at 3:35 p.m.)

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1 CROSS-EXAMINATION

2 BY MS. KEDIA:

3 THE COURT: We are ready to resume. Please be
4 seated.

5 BY MS. KEDIA:

6 Q. Mr. CampANELLA, before we broke we were talking about
7 a visit that an investigator by the name of Ronald Dwyer
8 paid to you. Right?

9 A. Yes.

10 Q. That was in the fall of 2006?

11 A. I believe. I don't know the exact time, but yes.

12 Q. That was at your home on Pemberton Avenue in Staten
13 Island. Right?

14 A. Correct.

15 Q. And you had a conversation with him at that time.
16 Right?

17 A. Very, very brief.

18 Q. And your home on Pemberton Avenue in Staten Island is
19 the same place you were living in 2001. Right?

20 MR. BURETTA: Objection. Relevance.

21 THE COURT: Sustained.

22 MS. KEDIA: Your Honor, if I may proffer the
23 relevance of this question.

24 THE COURT: Okay. Come up.

25 (Discussion ensued at sidebar as follows.)

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1 THE COURT: Why is it relevant?

2 MS. KEDI A: Because this witness has testified
3 at prior trials that after he was shot in 2001 he moved
4 out of his house; that he went to Jersey six months later.

5 In fact he's living in the same house. He was
6 there when the investigator came to interview him.

7 MR. BURETTA: I think you need to ask him some
8 foundation questions. If you are trying to impeach him,
9 he hasn't said anything inconsistent, so I don't see how
10 it is relevant at this point.

11 MS. KEDI A: I'm asking the question if it is the
12 same house. And we'll see what he says.

13 (Discussion at sidebar was concluded.)

14 THE COURT: Objection is overruled.

15 BY MS. KEDI A:

16 Q. Mr. Campanel I a, this interview occurred at the house
17 on Pemberton Avenue in Staten Island.

18 This is the same house where you lived in 2001
19 when you were shot. Right?

20 A. Yes.

21 Q. Now Mr. Campanel I a, you testified about your
22 relationship with William Cutolo, Sr. You called him Wild
23 Bill. Right?

24 A. I called him Bill. That's, his nickname was Wild
25 Bill.

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1 Q. Why was his nickname Wild Bill?

2 A. I don't know. When I met him, that's what it was.

3 Q. Well, do you think that that was a fair nickname?

4 A. I really can't answer that. It depends on what you
5 do you mean by wild.

6 Like what do you mean by wild? What category.

7 Q. Was Billy Cutolo someone who was feared?

8 A. Was he feared?

9 Q. Yes.

10 A. Yes.

11 Q. He was a very strong and powerful person. Right?

12 A. Well, he was strong and powerful in the neighborhood.

13 Q. In your neighborhood in Brooklyn, you mean.

14 A. Yes.

15 Q. And he was the guy that was known as the guy to take
16 care of 11th Avenue. Right?

17 A. Well, he took care of that spot on 11th Avenue.

18 Q. And when you say took care, what do you mean by took
19 care?

20 A. As far as organized crime business.

21 Q. Everybody in the neighborhood knew.

22 A. Yes.

23 Q. And when did he get the nickname Wild Bill?

24 A. I don't know where he got it from or when he got it.

25 I don't know.

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1 Q. Long before you ever met him.

2 A. Yes.

3 Q. Now, you said you met him through a guy named Robert
4 Donofri o. Right?

5 A. Yes.

6 Q. And did you understand, at the time that you met
7 Billy Cutolo, that Robert Donofri o was an associate of the
8 Colombo fami ly?

9 A. As I started knowing Robert, later on I heard that he
10 was an associate.

11 Q. So when you first met Robert Donofri o you di dn't know
12 that.

13 A. No.

14 Q. When is it that, how long into your rel ati onship did
15 you learn this?

16 A. Well, Robert and I went to school together, so it
17 probabl y was Robert, I would say starti ng, begi nni ng wi th
18 Robert and Bill somewhere in 1978, '79.

19 Q. And when you met Robert Donofri o, you were hangi ng
20 out wi th him before you met Billy Cutolo, were you
21 commi tti ng crimes wi th Robert Donofri o?

22 A. Yes.

23 Q. Were you considered an associate of the Colombo
24 fami ly at that time?

25 A. No.

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1 Q. You weren't considered an associate until you met
2 Wild Bill?

3 A. Yes.

4 Q. When you met Billy Cutolo, was he an associate or was
5 he a made member of the Colombo family?

6 A. If I remember, he was an associate.

7 Q. And even though he wasn't a made member, you
8 considered yourself an associate through him.

9 A. Eventually, yes. As I grew closer to him, yes.

10 Q. Well, eventually meaning after he was made?

11 A. No. Eventually Jackie was, if I remember correctly,
12 might have been his acting captain. I believe he was his
13 captain when Jackie was made and then Jackie became
14 captain. And then Wild Bill was underneath him. And then
15 eventually you started to get to know the life and you
16 became an associate.

17 Q. Well, when you say eventually, give us a number of
18 years before you considered yourself an associate.

19 A. Well, it would start out --

20 MR. BURETTA: Objection to the form.

21 THE COURT: Sustained.

22 BY MS. KEDI A:

23 Q. How many years was it that you knew Billy Cutolo
24 before you considered yourself an associate?

25 A. I would -- everybody would be different.

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1 I've got to be honest with you. Everybody is
2 different in that life. Maybe a year.

3 Q. Okay. I'm asking about you. You understand that.

4 A. I would say myself would probably be about a year.

5 Q. And how many years did it take you from the time you
6 became an associate to become a made member?

7 A. Well, then I became straightened out in 1989, so if I
8 got involved in 1979, 1980, figure nine years.

9 Q. And what positions in the Colombo family did you
10 hold?

11 A. As Bill went away, he was incarcerated, I was on the
12 committee, running the Orena faction.

13 Q. When you say that you were on the committee, you were
14 a soldier.

15 A. I was a soldier. And at that time there was two
16 fractions. There was the Orena faction. There was the
17 Persico fraction.

18 When everybody was incarcerated, the Orena
19 fraction broke down to three soldiers, and this was Vinnie
20 Aloi, that was Joe Waverly, and that was myself.

21 Q. That were on the committee?

22 A. And that was on the committee.

23 Q. And there are three of you who were all --

24 A. There was three of us running the Orena fraction.

25 Q. And all three of you were soldiers?

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1 A. The rest of the guys were soldiers.

2 Q. And after the war period, you said you were on the
3 committee for how long a period of time?

4 A. It wasn't that long. When Bill came home, it was 13
5 month later, then everybody was broken down to soldiers.

6 Q. Well, when you say broken down, you were just on a
7 committee. Right?

8 A. Yes.

9 Q. You were a soldier before and you were a soldier
10 after, but in between you were on the committee?

11 A. Yes.

12 Q. And after the war did you get elevated to some other
13 position besides soldier?

14 A. After the war I remained a soldier.

15 Q. And you remained a soldier until you were arrested in
16 November of 2002. Right?

17 A. If I remember correctly, yes.

18 Q. And you remained a soldier until you cooperated in
19 January of 2003. Right?

20 A. Yes.

21 Q. What about Vinnny DeMartino? What was his position?

22 A. He was a soldier.

23 Q. And at any point in time was he elevated to a higher
24 position when you were out on the streets?

25 A. Not that I am aware of.

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1 Q. Well, you were a member of the Colombo family.

2 Right?

3 A. Well --

4 MR. BURETTA: Objection.

5 THE COURT: Sustained.

6 BY MS. KEDI A:

7 Q. Were you aware of, generally were you aware of
8 people's elevations to various positions?

9 A. After I got shot, I don't know what was going on.

10 Q. Before you got shot.

11 A. Before I got shot, Vincent was a soldier.

12 Q. Now, you spoke about your relationship, and I think
13 you said that you were very close to Billy Cutolo. Right?

14 A. I was always close to Bill, yes.

15 Q. But there was a time when there was some distance
16 created. Right?

17 A. Yes.

18 Q. And one of the reasons that there was a distance
19 created between you and Billy Cutolo is that you felt
20 slighted about being left out of the million of dollars
21 that Billy Cutolo was making with Dom Di onioni in the
22 stock fraud business. Right?

23 A. Yes, that was one of them.

24 Q. And you felt that Billy felt whatever was his was his
25 and whatever was yours was his, too. Right?

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1 A. Correct.

2 Q. That's how Billy Cutolo did business. Right?

3 A. Yes.

4 Q. And you were upset that you had two families to
5 support. Right?

6 A. Correct.

7 Q. Before we go into the upset, tell the jury about the
8 two families you had to support.

9 A. I had a son with my girl friend.

10 Q. And you are talking about at a point in time when you
11 were married. Right?

12 A. Yes.

13 Q. And did you have children with your wife?

14 A. Yes.

15 Q. How many?

16 A. One --

17 MR. BURETTA: Objection, relevance.

18 THE COURT: Overruled.

19 A. One son.

20 BY MS. KEDI A:

21 Q. And you also had a child with your girl friend.

22 A. Correct.

23 Q. And what's your girl friend's name?

24 A. Lisa.

25 Q. For what period of time was Lisa your girl friend?

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1 A. Lisa was my girl friend I would say maybe 1989.

2 Q. Maybe?

3 A. Maybe approximately 1989.

4 Q. Until when?

5 A. She's still in my life.

6 Q. She's still in your life?

7 A. I have a son with her, yes.

8 Q. Well, is she still in your life as your girl friend or

9 is it just that your relationship is that you have a child

10 together?

11 A. She's still in my life as a girl friend.

12 Q. And when were you married?

13 A. 1983.

14 Q. And you were living with your wife throughout the

15 1990s. Is that right?

16 A. Yes.

17 Q. Throughout this period you are also seeing Lisa.

18 Right?

19 A. Yes.

20 Q. Now, there is another woman you mentioned on direct

21 examination by the name of Rosalie Castellano. Right?

22 A. Yes.

23 Q. And that is a third woman. Right?

24 A. Yes.

25 Q. Who is she?

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1 A. She was a woman I had an affair with.

2 Q. What period of time was that?

3 A. We were having an affair from, I would say, 19 --
4 approximately 1994, '95, till somewhere around 2000.
5 1999, 2000.

6 Q. Well, Mr. Campanel I a, the day you were shot, that was
7 July 16, 2001. Right?

8 A. Yes.

9 Q. Rosalie Castellano was actually on the beach when you
10 were on the beach that day. Right?

11 A. Yes.

12 Q. And this is well after you had a sitdown over your
13 affair with Rosalie Castellano. Right?

14 A. Yes.

15 Q. And this sitdown, the reason for this sitdown -- this
16 is a sitdown with members of the Gambino family. Right?

17 A. Yes.

18 Q. And the reason for this sitdown is that they were
19 angry that you were actually having an affair with someone
20 who's associated with the Gambino family's wife. Right?

21 A. Yes.

22 Q. And despite this sitdown, you continued to see Miss
23 Castellano. Right?

24 A. Yes. It was very, very hard to break off the affair.

25 Q. And you certainly assured everyone at the sitdown

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1 that you woul dn' t do so. Ri ght?

2 A. Yes.

3 Q. And you understand that sl eepi ng wi th the wi fe of
4 someone who' s associated wi th another fami ly i s agai nst
5 the rul es. Ri ght?

6 A. Yes.

7 Q. But you broke the rul e.

8 A. Yes.

9 Q. And peopl e broke rul es all the ti me. Ri ght?

10 A. Yes.

11 Q. Now getti ng back to Bill y Cutolo.

12 One of the reasons that you fel t slighted by
13 Bill y Cutolo i s that you di dn' t feel that he was gi vi ng
14 you enough money even though you had two fami li es to
15 support. Ri ght?

16 A. Well, I fel t that he di dn' t gi ve me any of the money
17 that they were maki ng wi th Bl ack Dom, yes, because I just
18 fel t I was entit led to somethi ng.

19 Q. Why?

20 A. Because of all I went through wi th Bl ack Dom, my
21 relati onshi p wi th him and my relati onshi p wi th Wi ld Bill .

22 Q. I' m sorry. When you said you regi stered?

23 A. Wi th my relati onshi p.

24 Q. Your relati onshi p.

25 When you say what you went through wi th Bl ack

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1 Dom, explain what you mean.

2 A. Well, all of us stood together in the crew. We went
3 through the war together. And now after the war, things
4 are starting to get back as far as making money, and I
5 felt that's the way the crew was supposed to be, is to
6 share everything.

7 Q. Did you explain your feelings to Mr. Cutolo?

8 A. At one time I told Bill --

9 Q. And what did he say?

10 A. -- my feelings.

11 What?

12 Q. And what did he say?

13 A. He didn't say nothing. He just says this is not,
14 this is not yours.

15 Q. Meaning, the money he was making with Dom.

16 A. Meaning, yes, that business.

17 Q. How much money are we talking about?

18 A. I don't know how much money they made.

19 Q. Millions?

20 A. I have no idea.

21 Q. Now, you said that you owed Billy Cutolo \$300,000 at
22 the time that he disappeared. Right?

23 A. Correct.

24 Q. And that was a debt that had been outstanding for how
25 long?

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1 A. Since the war broke out. Since 1990, '91.

2 Q. Well, meaning that you borrowed the money from him
3 back in 1990 or 1991?

4 A. Yes.

5 Q. And you never repaid any of it?

6 A. No.

7 Q. How much did you borrow?

8 A. I don't know exactly. I don't remember exactly.

9 Q. But it was around 300,000?

10 A. It was around \$300,000.

11 Q. So when you owed him \$300,000 when he disappeared,
12 there was no interest that was accruing on that 300?

13 A. No.

14 Q. He loaned that to you without any kind of penalty or
15 any kind of interest?

16 A. Yes. No, there was no interest. This was shylocking
17 money.

18 Q. Well, when you say this was shylocking money, tell us
19 how shylocking works.

20 A. We would lend money out at 5 percent.

21 Q. When you say we, you mean you?

22 A. It was myself and whoever was in the crew. Yes.

23 Q. Let's talk about what you did. You lent money out to
24 whom?

25 A. To customers. People who wanted to borrow money.

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1 Q. And where did you find these customers?

2 A. They would come to us in the neighborhood.

3 Q. They would come to --

4 A. They would come to us in the neighborhood.

5 Q. When you say us, who came to you to borrow money?

6 A. Regular people. Regular people who lived in the
7 neighborhood.

8 Q. That somehow knew that you were a shyl ock?

9 A. Right.

10 Q. Because it was just word of mouth in the
11 neighborhood?

12 A. Correct.

13 Q. And you would loan money to these people. How many
14 people are we talking about?

15 A. I have, I don't have no recollection. Maybe 100
16 people. I don't even remember.

17 Q. You would loan money to these people at an interest
18 rate of 5 percent.

19 A. Yes.

20 Q. Meaning, if you had loaned somebody a hundred
21 thousand dollars, they had to pay you back how much?

22 A. Well, I wouldn't lend anybody \$100,000.

23 I think I would say on a smaller scale. If I
24 loaned somebody \$1,000, they would pay us \$50 a week
25 interest.

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1 Q. If you loaned somebody \$100, 000, they would pay you
2 \$5, 000 a week. That's how it worked. Right?

3 A. Yes. But it would never come down to that.

4 Q. Well, Billy Cutolo certainly loaned people that kind
5 of money. Right?

6 A. He did. He was on a different level.

7 Q. But he loaned people far more money than that.
8 Right?

9 A. Yes. I'm sure he did.

10 Q. In fact there was a period of time where you were
11 actually running his shhlocking operation. Right?

12 A. Yes.

13 Q. And you were collecting monies for him.

14 A. Yes.

15 Q. And you certainly are aware of the kind of money he
16 was loaning out. Right?

17 A. Yes.

18 Q. Where did he get that money from?

19 A. That I can't answer. I don't know.

20 Q. Well, do you have any -- you were friends with Billy
21 Cutolo from 1979. Is that right?

22 A. Yes.

23 Q. For 20 years then before he disappeared?

24 A. Yes. But I don't know exactly where he got that
25 money from.

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1 I would assume he got it from the family. I
2 can't say exactly.

3 Q. Well, do you know any businesses Mr. Cutolo was
4 involved in outside of the family?

5 A. The only business I knew, that I was aware of, was
6 when he worked in Local 400. And he had something going
7 on with his cousin Frankie. And Andy's Collision. And as
8 far as he had something going with a hotel. I don't know
9 what happened with that.

10 I can't answer for those businesses or the
11 Embassy business. I don't know what was going on with his
12 personal interest in that.

13 Q. Well, the Embassy business, did you understand that
14 to be a family business?

15 A. I just thought it was some sort of business deal
16 between him and -- I don't recall his name. I think his
17 name was Vito. Just, they had some business or venture
18 together. I don't know what it was exactly.

19 Q. So are you not -- you are not aware whether it was
20 family business or not?

21 A. No.

22 MR. BURETTA: Objection.

23 A. I'm not sure on that at all.

24 THE COURT: Sustained.

25 BY MS. KEDI A:

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1 Q. And the union that you're talking about, when you
2 said Local 400, you are talking about a union. Right?

3 A. Local 400, yes, was a union.

4 Q. And this is a union that Mr. Cutolo worked at for
5 what period of time?

6 A. I just remember starting to go there somewhere around
7 1990 to 1991. That's all I know about it.

8 Q. You started to go there during this time that there
9 was a dispute between the --

10 A. The factions.

11 Q. -- the factions.

12 A. Yes.

13 Q. And you were serving as one of Mr. Cutolo's
14 protectors. Right?

15 A. Bodyguard. Yes.

16 Q. And who else was serving as one of Mr. Cutolo's
17 protectors at that time?

18 A. At that time, it was early in the 1990, '91. It was
19 myself, it was Vincent DeMartino, Mike Spataro, my brother
20 Frank, Frankie Notch, Black Dom, Joe-Joe Russo. It was
21 maybe about ten guys.

22 Q. Those same ten guys continued to be Billy's
23 protectors, bodyguards, throughout this dispute period,
24 throughout this war period?

25 A. Yes.

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1 Q. Now, there came a time, you testified to, after this
2 war period -- this war period ended when?

3 A. If I remember correctly, the war somewhere ended
4 approximately '93, give or take a year.

5 Q. There came a time that you testified that, I believe,
6 you said Jackie DeRoss went to someone to say let's put
7 the family back together. Right?

8 A. Jackie DeRoss had came to Billy.

9 Q. Did he come to Bill or did he come to you and Bill?

10 A. He had came to Bill, and Bill had told me he had got
11 together with Jack.

12 Q. And Mr. Cutolo conveyed this to you. This is not a
13 conversation you were involved in. Is that right?

14 A. Yes.

15 Q. And Mr. DeRoss said to Mr. Cutolo, according to
16 Mr. Cutolo, that everybody would get back together and
17 Alie would be their captain. Right?

18 A. Yes. In that one particular crew. Not everybody,
19 meaning the whole fraction of the Orena family. The Orena
20 side, rather. I'm sorry.

21 Q. So meaning you, Billy Cutolo, Mr. Persico, and
22 Mr. DeRoss. Right?

23 A. And two or three other soldiers.

24 Q. Who were the other soldiers?

25 A. That would be Richie Cap. That would be Joe Smash.

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1 And eventually that would be Vincent DeMartino.

2 Q. And who were the associates that were going to come
3 along with you guys?

4 A. The associates were everybody in the club. Maybe
5 about 15, 20 guys.

6 Q. Who are?

7 A. Oh, there would be Black Dom. There would be my
8 brother, Joe-Joe Russo. Frankie Notch. Joe Gas.
9 Downtown Ronnie. Billy Jr. I don't remember most of
10 them.

11 Q. Well, these are people you saw every Wednesday and
12 Saturday. Right?

13 A. Yes.

14 Q. For years on end.

15 A. Well, a lot of them didn't come around all at once
16 and a lot of them didn't come around constantly.

17 Q. But this social club activity, this Bocce Club
18 Wednesday and Saturday nights, this went on for how many
19 years?

20 A. From what I remember, it went on till a little bit
21 after Billy disappeared.

22 Q. So during this time when you say that there were some
23 of you that were going to get back together, there was
24 another group who was not happy about that idea?

25 A. Yes.

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1 Q. And who were they?

2 A. There were some soldiers out in Long Island.

3 Q. And they didn't want Billy Cutolo to join with
4 Mr. Persico and Mr. DeRoss?

5 A. I don't know the exact words they said, but I don't
6 think they wanted to come in and put the family together.

7 Q. And these are people known as the Long Island Guys?

8 A. Yes.

9 Q. And they didn't want to get back together with the
10 Persico faction. Right?

11 A. Correct.

12 Q. They maintained that they were on a different side.

13 A. Correct.

14 Q. And at this time period when you and Billy and the
15 others were coming under Mr. Persico as your captain, who
16 was the acting boss?

17 A. Excuse me. Could you say that again?

18 Q. At this time period, when you all decided to get
19 together and you would come under Mr. Persico as your
20 captain --

21 A. Right.

22 Q. -- who was the acting boss?

23 A. At that time there was only official boss.

24 Q. There was no acting boss?

25 A. No.

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1 Q. Does the name Andrew Russo mean anything to you?

2 A. It means something to me, but I never met Andrew.

3 Q. You never met him? Who do you know him to be, when
4 you say it means something to you?

5 A. Well, I just remember Andrew Russo and Chucky Russo
6 was two older men from downtown.

7 Q. Did you ever know Andrew Russo to be the acting boss
8 in the 1990s?

9 MR. BURETTA: Objection. Lack of foundation.

10 THE COURT: Sustained.

11 BY MS. KEDI A:

12 Q. Who were the other members of the administration
13 during this period of time?

14 A. What period?

15 Q. When you -- well, let me ask you.

16 When you and Billy Cutolo and Mr. DeRoss and
17 various others decided you are going to come under
18 Mr. Persico as your captain, what time frame is this?
19 What year?

20 A. This is approximately '95, '96. Somewhere around
21 there. I don't know the exact year.

22 Q. When did you meet Mr. Persico?

23 A. This was after Bill had come home and Albie was home,
24 Jackie was home.

25 Q. And when you say when Bill had come home, you are

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1 talking about after December of 1994?

2 A. Yes. Somewhere '94, '95. I can't tell you the exact
3 year. Approximately around there.

4 Q. And is the first time that you were meeting
5 Mr. Persico when you were coming under him and him being
6 your captain?

7 A. Yes. I didn't know Allie before that.

8 Q. And during this period of time in '95 or so, '96, to
9 the best of your recollection, when Mr. Persico became
10 your captain, who held the administration positions?

11 A. I don't know. The family was broken apart.

12 At that time, when the family was at war, there
13 was an acting boss. So then the acting boss was
14 incarcerated, so there was nobody to fill that spot.

15 There was always still a official boss, and that
16 was Allie's father, Carmine. So when Allie was our
17 captain, there was really nobody that announced to me who
18 was the acting boss or who was the underboss or the
19 consigliere.

20 Q. You testified that Billy Cutolo eventually held the
21 position of acting underboss. Right?

22 A. Yes.

23 Q. Who was the underboss?

24 A. Billy Cutolo was the acting underboss.

25 Q. Who was the underboss?

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1 A. The official underboss?

2 Q. Yes.

3 A. I don't know.

4 Q. Well, what does acting mean?

5 A. This is what was told to me. The only official was
6 Allie's father. That was the only official spot that was
7 there. So now somebody was acting, that somebody
8 representing the family as just an acting boss, somebody
9 to represent us.

10 Q. Well, when a person goes to jail, for example, is
11 that person's position filled?

12 A. It is filled. By whom, it depends upon, you know,
13 what time frame you are talking about. Because the family
14 was broken up for so many years.

15 So it depends on where you are talking. What
16 year. Before the war. After the war. Now.

17 Q. So does the term acting mean anything to you?

18 A. I explained to you that Allie was acting. Somebody
19 was representing our family. So he's acting. He's acting
20 for his father. His father was, is the official boss.

21 Q. So who was Billy Cutolo acting for?

22 MR. BURETTA: Objection. Asked and answered.

23 THE COURT: Sustained.

24 BY MS. KEDI A:

25 Q. You testified that you didn't know who the

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1 consigliere was at that time, either. Is that right?

2 A. At what year frame?

3 Q. At the time '95 or '96 when you all go under Allie as
4 your captain. Right?

5 A. No. I wasn't introduced to anybody as a consigliere
6 until it was starting to be put together with Allie, Bill
7 Cutolo, and Joe Waverly was the consigliere.

8 Q. And you testified that at some point Joe Waverly
9 becomes the consigliere. When is that?

10 A. Joe Waverly was to become the consigliere when Allie
11 became the acting boss.

12 Q. So you are talking about a period a few years after
13 the war is over. Is that right?

14 A. You are talking maybe 1998. Around there.
15 Approximately there.

16 Q. And the war is over about 1993. Right?

17 A. The war has been over.

18 Q. And Joe Waverly is somebody who was on what side of
19 the war?

20 A. The Orena fraction.

21 Q. So two of the people in the administration positions
22 were on the Orena side and one person was on the Persico
23 side. Is that right?

24 A. Right.

25 Q. And at that point in time, how many members of the

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1 family are together? Members or associates.

2 A. I can't give you -- I can't give you that. I don't
3 know.

4 Q. Can you give us any approximation?

5 MR. BURETTA: Objection to the form.

6 THE COURT: Sustained.

7 THE WITNESS: No, I can't.

8 THE COURT: The jury is instructed to disregard
9 the answer.

10 BY MS. KEDI A:

11 Q. Now, Chickie DeMartino is someone who was also on the
12 Orena side of the war. Right?

13 A. Correct.

14 Q. And he was someone who served to protect Bill Cutolo.
15 Right?

16 A. Correct.

17 Q. And he actually fought side by side with you during
18 this war. Right?

19 A. Yes.

20 Q. And you described the shooting that you were involved
21 in. Was Chickie DeMartino somebody who was there with
22 you?

23 A. Yes.

24 Q. And you described other incidents that you were
25 involved in. I believe you said a person by the name of

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1 Ronni e Calder?

2 A. Correct.

3 Q. And there was a thi rd person that you were i nvol ved
4 in conspi ring to kill . Right?

5 A. Yes. There was three conspi racy to murders.

6 Q. A person by the name of Larry?

7 A. I bel i eve i t's Larry Sessa. I 'm not 100 percent
8 sure.

9 Larry Sessa was, when we went to go kill some of
10 Greg' s guys that were dri vi ng down the street and that was
11 Ral ph Apache' s daughter' s house. I don' t know if Larry
12 Sessa was i n that car. I 'm not sure.

13 Q. Well , when you say that you are not sure, you said
14 you conspi red to kill thi s person. Right?

15 A. Well , we had i nformation that Greg, some of Greg' s
16 guys woul d be dri vi ng down the bl ock at a certain time,
17 and supposedl y we were just going to come out and wai t for
18 them to come down the bl ock and shoot i nto thei r car.

19 Q. Well , when you say supposedl y, you obvi ously had
20 di scussi ons wi th peopl e. Right?

21 A. Yes. That' s what our pl an was.

22 Q. And you were si mply di rected what to do.

23 A. Correct.

24 Q. It wasn' t a personal vendetta that you had. Right?

25 A. No.

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1 Q. You were just doing this on orders of others.

2 A. Yes.

3 Q. And whose order was it that you were following?

4 A. Bill Cutolo's.

5 Q. And when Bill Cutolo told you that it was time to go
6 try to chase down Greg Scarpa's guys, did you ask him
7 where the order came from?

8 A. No.

9 Q. When Bill Cutolo asked you to do that, did he say if
10 you do this for me, I'll forgive the \$300,000 you owe me?

11 MR. BURETTA: Objection.

12 THE COURT: Sustained.

13 BY MS. KEDI A:

14 Q. Well, was any debt forgiven?

15 A. No.

16 Q. Now, when you were involved, Mr. Campanelia, in
17 these murder conspiracies, how many people were involved
18 with you?

19 A. In the murder conspiracy of who?

20 Q. Let's start with Greg Scarpa.

21 A. It was myself. It was Vincent DeMartino. It was
22 Michael Spataro. Gabe Scianna. Frankie Notch. And Joe
23 Tolino.

24 Q. Six of you?

25 A. Six of us.

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1 Q. And Billy Cutolo.

2 A. Billy Cutolo wasn't present.

3 Q. He's the one who ordered you to.

4 A. Yes.

5 Q. So seven of you involved. Anyone else?

6 A. That's all I remember.

7 Q. And did you lay out plans before you went and tried
8 to shoot this person?

9 A. Yes.

10 Q. And what were some of the plans?

11 A. The plans were that we was to go and rob a van the
12 night before, park the van closer to Greg's house, and
13 when Greg would be coming out of his house, we would drive
14 up to Greg, get out, shoot him, drive the van another
15 block-and-a-half away, and then get into a car and drive
16 away.

17 Q. So you had a stolen car. Did you have crash cars?

18 A. Yes.

19 Q. What are crash cars?

20 A. Crash cars were, just in case there was law
21 enforcement around, somebody would be able to hit them
22 with the crash car.

23 Q. What about, who had guns? How many people had guns?

24 A. All of us had guns.

25 Q. And all of you were ready to shoot?

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1 A. Yes.

2 Q. And what about get-away cars?

3 A. I don't remember how many get-away cars there were.

4 I just remember we had one car, that I remember, after we

5 were going to drop off the van.

6 Q. And what about when you conspired to murder the other

7 people? How many people were involved?

8 A. The day with Greg?

9 Q. You said Greg's guys?

10 A. Yes.

11 Q. How many people were involved with that?

12 A. Well, when we were about to go kill Greg's guys,

13 there were maybe three guys in the car.

14 I'm not sure exactly because I never seen them.

15 Q. You never saw the guys.

16 A. No.

17 Q. So you are not sure of who exactly was present?

18 A. No.

19 Q. Who did you discuss this with?

20 A. Meaning? I'm not understanding that question.

21 Q. Who did you discuss -- you conspired to murder

22 someone. Right?

23 A. The same people that I mentioned we were going to go

24 kill Greg with. The same crew.

25 Q. So those same seven people that we talked about?

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1 A. Yes.

2 Q. Now, Mr. Persico you said you met sometime in 19 --
3 what would you say, 1995?

4 A. I met -- when did I meet Allie Boy?

5 Q. Yes.

6 MR. BURETTA: This has been asked and answered,
7 your Honor.

8 THE COURT: It has, but we will do it one more
9 time.

10 MR. BURETTA: Thanks, Judge.

11 THE WITNESS: Approximately '95 or '96. I'm not
12 sure of the exact year.

13 BY MS. KEDI A:

14 Q. And you certainly -- explain where you met him. The
15 location.

16 A. I don't remember the exact time I first met Allie. I
17 just remember the time we got together on our first
18 meeting that he was to be announced as our captain. I
19 might have seen Allie somewhere else before. I'm not
20 exactly sure.

21 Q. Well, how many times total, would you say?

22 MR. BURETTA: Objection. Time frame.

23 BY MS. KEDI A:

24 Q. Total in your whole life.

25 A. I can't answer that. It wasn't very, very much. It

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1 was very limited.

2 Allie and I hardly ever knew even other. It was
3 maybe, maybe, six to eight times. Approximately, around
4 there.

5 I never knew Allie when I was growing up. And
6 then, when I was an associate and made member, Allie
7 sometimes basically was incarcerated.

8 Q. Well, do you recall testifying at a prior proceeding
9 last year and saying it was four to five times?

10 A. I don't -- I don't remember exactly. I told you it
11 wasn't that much. You know.

12 Q. And have you ever been to a business called
13 Romanti que?

14 A. I might have went there one time.

15 Q. What is Romanti que?

16 A. That was Michael Persico's, I believe it's his
17 business, Limousine service.

18 Q. And why would you have gone there?

19 A. One time I had to drop off a gift for Allie for
20 Christmas, and that was it.

21 Q. You dropped off a gift?

22 A. Yes.

23 Q. For whom?

24 A. For Allie Boy.

25 Q. When you say you dropped it off, it was a gift from

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1 you to Allie Boy or it was a gift from somebody else?

2 A. It was a gift from me, if I remember, if it's
3 correct, it might have been from me and Joe Smash.

4 I'm not even sure exactly. I know it was from
5 me and somebody else. And that was the only time I
6 believe I went in.

7 Q. Do you recall if you were with anyone?

8 A. No, I don't remember.

9 Q. Would you have been with a person by the name of
10 Silvio Salome?

11 A. No. I don't remember that.

12 Q. What year would that have been that you dropped off
13 the gift?

14 A. That had to be early when Allie was our captain. I
15 can't tell you the exact year.

16 Q. What was the gift?

17 A. It wasn't big at all. I believe it was a piece of
18 jewelry, and I believe it was a shirt sweater.

19 Q. A shirt sweater?

20 A. A shirt sweater. Yes.

21 Q. You certainly have never given him any money. Right?

22 A. No.

23 Q. And Mr. Persico certainly never sent you to commit
24 any crimes. Right?

25 A. No.

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1 Q. And this is a period of time when he's your captain,
2 you are certainly committing crimes. Right?

3 A. Yes.

4 Q. During this time you are participating in extortions
5 and you are participating in shhlocking activities.
6 Right?

7 A. Correct.

8 Q. And you didn't give any of that money to Mr. Persico.
9 Right?

10 A. No.

11 Q. Mr. CampANELLA, your brother was also associated with
12 the Colombo crime family. Right?

13 A. Yes.

14 Q. And how is it that he was associated?

15 A. Through me. I brought him around.

16 Q. We are talking about your brother, Frank. Right?

17 A. Correct.

18 Q. And do you have another brother?

19 A. Yes.

20 Q. What's his name?

21 A. Louis.

22 Q. And he was not associated with the Colombo family.

23 Is that right?

24 A. No.

25 Q. When did Frank become associated?

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1 A. I can't tell you exactly. I got to be honest with
2 you. I can't tell you exactly.

3 Q. Well, sometime after you.

4 A. Sometime, maybe approximately 1988. I can't tell you
5 exactly when I brought my brother around.

6 Q. And did he ever become a made member?

7 A. No.

8 Q. Why not?

9 A. Just never happened.

10 Q. No one ever proposed him for membership.

11 A. No.

12 Q. You never proposed him?

13 A. No.

14 Q. Frank Campanella eventually, your brother Frank
15 actually was incarcerated sometime in the 2000s as well.
16 Right?

17 A. He was incarcerated what year?

18 Q. Sometime in 2000, 2001, 2002. You tell me.

19 A. Yes, somewhere around the late 2001 I would say.
20 Approximately 2001, 2002.

21 Q. And there was a period of time that he was
22 incarcerated after, this is while you were shot or after
23 you were shot?

24 A. He was incarcerated, if I remember correctly, after I
25 was shot.

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1 Q. So he was out on the street when you were shot.

2 A. Yes.

3 Q. And when you were arrested in November of 2002, where
4 was your brother?

5 A. He was incarcerated then.

6 Q. When your brother was arrested in early 2002, there
7 was a point in time when he was incarcerated with
8 Mr. Persico. Right?

9 A. Yes.

10 Q. In fact you went to visit your brother. Right?

11 A. Yes.

12 Q. And during that period of time, you actually saw
13 Mr. Persico in the jail. Right?

14 A. I believe I seen Alie. I can't say exactly. I
15 don't recall exactly. When I was incarcerated, I remember
16 seeing Alie. He had a lawyers visit. That's one time I
17 do remember seeing him.

18 Q. Well, in fact, you kind of, you exchanged hellos with
19 Mr. Persico anyway?

20 A. I can't be exactly 100 percent for sure.

21 I don't remember seeing Frank and seeing Alie.
22 If I did, I did. I'm not 100 percent sure.

23 Q. You don't remember saying hello --

24 A. You know what? I seen Alie one time when I was
25 incarcerated, so I might be getting it confused if it was

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1 me, when I was incarcerated, or I went to see my brother,
2 Frank.

3 But yes, I do say I've seen Allie in MDC.

4 Q. Have any conversation with him?

5 A. I don't remember.

6 (Continued on the following page.)

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1 CROSS-EXAMINATION (Continued)

2 BY MS. KEDI A:

3 Q. You said when you were incarcerated in November of
4 2002, that you still didn't decide to cooperate
5 immediately. Right?

6 A. Yes.

7 Q. And you obviously tried to get out?

8 A. Yes.

9 Q. And when you weren't successful, you tried to have
10 other people go to collect your money. Right?

11 A. When I wasn't successful, I had no contact with
12 anybody else. When I was incarcerated I had no contact
13 with anybody else.

14 Q. Well you testified about the fact that other people
15 weren't bringing you money, so that's one reason you
16 decided to cooperate. Right?

17 A. At that time, yes. Because the way it was supposed
18 to be, whoever was out on the street was supposed to try
19 and help you out if you were incarcerated. My guys.

20 Q. And who were your guys?

21 A. My guys at the time was Richie Cappa, Tommy Cappa,
22 and one or two other associates.

23 Q. And who were the other associates?

24 A. It was Tony the Arab, and there was many one other
25 guy that was out there. I don't recall his name, and two

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1 other guys that were with me, they were incarcerated with
2 me, who were my associates.

3 Q. And these are people who were your associates in
4 November of 2002 when you're incarcerated. Right?

5 A. Yes.

6 Q. And what money is it that they were supposed to be
7 bringing you?

8 A. Extortion money.

9 Q. From what?

10 A. From medical businesses.

11 Q. Explain to the jury what kind of extortion you were
12 engaging in?

13 A. What I was engaged in was about maybe ten places of
14 medical centers where people would get into car accidents.
15 And they would go to the medical center for help. And
16 there would be medical fraud, medical fraud. And most of
17 them were Russians. And they were owned and operated by
18 the Russians. And the Russians would pay me \$250 per
19 place for protection.

20 Q. How is it that you got involved in this medical fraud
21 business?

22 A. From what I remember, correctly, it was two Russians,
23 they had Joker Poker machines. And they just started
24 introducing me to their Russian friends that opened up
25 medical places.

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1 Q. The same places you were extorting. Right?

2 A. Yes.

3 Q. And were you collecting monies in other ways?

4 A. Meaning Shylocking?

5 Q. Shylocking, or whatever other games you had going on?

6 A. Yes.

7 Q. And what kind of games were those?

8 A. If they were Shylocking business, there was car
9 services, Russian car services, maybe one or two places
10 had massage parlors from what I remember, might have been
11 other things. I really can't say exactly.

12 Q. And this is up until the point that you're
13 incarcerated in November of 2002. Is that right?

14 A. Yes.

15 Q. What is the amount of money that you're collecting?

16 A. At that time it varied. It was different, but it
17 went from maybe \$2500 to \$3500 per week.

18 Q. Sometimes even \$5,000 a week?

19 A. There was times I would say, yeah. There was times
20 where I would only collect \$2,000

21 Q. And this is money that you are receiving in cash?

22 A. Yes.

23 Q. And certainly this is money that is illegal. Right?

24 A. Yes.

25 Q. And certainly this is money that you're not paying

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1 any taxes on. Right?

2 A. Yes.

3 Q. Now that period of time, who did you ask to go
4 collect money for you?

5 A. At what period of time?

6 Q. When you're incarcerated in November of 2002?

7 A. I was -- I didn't ask anybody. I had no contact with
8 these guys. So I just expected them to do it.

9 Q. Because they had been doing it before?

10 A. No, because I was incarcerated. I expected them to
11 help the way I helped them.

12 Q. That is how it worked?

13 A. That is the way it should work.

14 Q. And what about, you talked about Richie Cappa and
15 Tony Cappa or, and one other person?

16 A. I believe his name was Michael Derunian (ph). But he
17 didn't have much to do with my business. He was just an
18 associate.

19 Q. Were they involved in these activities with you?

20 A. No.

21 Q. Something you were doing separate and apart from the
22 Colombo family?

23 A. Separate and apart from the Colombo family?

24 Q. Yes.

25 A. No. That is what I did.

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1 Q. That was with your Colombo family?

2 A. That was mine, yes.

3 Q. During the 1990s when you were doing this, did you
4 give any of this money to Billy Cutolo?

5 A. No. I didn't have anything to do with Billy Cutolo
6 with this.

7 Q. Did you tell Billy Cutolo anything about this?

8 A. I told Billy I was making some money. And he just
9 told me go ahead. You know, start making money.

10 Q. And he didn't ask you for any of it?

11 A. No.

12 Q. Well there came a time, Mr. CampANELLA that you said
13 Billy Cutolo was angry with you because you got a new car.
14 Right?

15 A. A used car, yeah.

16 Q. A new car for you that was used?

17 A. Yes.

18 Q. When did you get it?

19 A. That was I would say around 1999, early, late 1998,
20 1999.

21 Q. And it was a Mercedes?

22 A. Yes.

23 Q. And Billy Cutolo -- when people didn't payoff debts
24 to Billy Cutolo, what happened to them?

25 MR. BURETTA: Objection.

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 THE COURT: Sustained.

2 BY MS. KEDI A:

3 Q. Do you know of any instances when someone didn't pay
4 off a debt to Billy Cutolo?

5 A. Maybe Billy would hit them, punch him in his face.

6 Q. Well you owed Billy Cutolo money. Right?

7 A. Yes.

8 Q. And Billy Cutolo never punched you in the face
9 though. Right?

10 A. No.

11 Q. You said all he did with you was threaten to break
12 your car windows?

13 A. Yes.

14 Q. This is a very serious feared underboss of the crime
15 family?

16 MR. BURETTA: Objection.

17 THE COURT: Sustained.

18 BY MS. KEDI A:

19 Q. I'm talking about the same person that you said is
20 the underboss of the crime family?

21 A. Yes, the acting underboss. Yes.

22 Q. And you continued to see Billy Cutolo during this
23 period of time?

24 A. Seen him at the club?

25 Q. Sure.

Campanel I a - for the Government - Cross/Ms. Keda

1376

1 A. Yes.

2 Q. And he was feared?

3 A. Yes.

4 Q. And even though he was angry with you, nothing
5 happened to you?

6 A. Correct.

7 Q. You testified about certain rules that you're
8 supposed to follow as a made member. Right?

9 A. What rule is that?

10 Q. You testified about various rules on your direct
11 examination. Right?

12 A. Yes.

13 Q. And one of the rules is that you're not supposed to
14 hit another made member. Right?

15 A. Correct.

16 Q. And that the penalty for breaking the rule is death.
17 Right?

18 A. Well, I guess it would really come down to when it
19 happened, what was the reason it happened. But if you
20 were just to go out and punch somebody in the face for no
21 reason, most of the time you would get killed.

22 Q. Well tell us an instance where that occurred?

23 A. Where what occurred?

24 Q. Somebody went out, one made member went out to hit
25 and punch another made member and they got killed for it?

Campanel I a - for the Government - Cross/Ms. Kedi a

1377

1 A. I wasn't there, but I heard when I was younger
2 growing up that two other guys had a fist fight at some
3 club. And it was just settled, and they were made
4 members.

5 Q. In the 20 years that you were involved with the
6 Colombo family, there was no such thing. Right?

7 A. Not in my time, no.

8 Q. And what happens if you don't know the guy is a made
9 member? For example, a guy is a made member in the
10 Bonanno family?

11 MR. BURETTA: Objection.

12 THE COURT: Sustained.

13 BY MS. KEDI A:

14 Q. Well, there was a period of time, Mr. Campanel I a,
15 where Billy Cutolo actually had to hide out. Right? Do
16 you recall that?

17 A. What are you speaking about?

18 Q. He got into a fight with some Bonanno guy over his
19 sister Geraldine. She was working at the barbershop. Do
20 you recall that?

21 A. I recall it, but I don't know the whole story to
22 that.

23 Q. Well, do you know that Billy had to go into hiding
24 for awhile?

25 A. I really can't tell you about that story. I don't

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 even know the extent of the story, or how long it did, if
2 he did go into hiding. I can't tell you about that.

3 Q. Now one of the -- let me ask you this. You testified
4 about a period of time, obviously, that you were shot,
5 July 15, 2001. Right?

6 A. Yes.

7 Q. And after you were shot you were hospitalized?

8 A. Yes.

9 Q. How long were you hospitalized?

10 A. I was in the hospital for about two days.

11 Q. And during this period of time that you were
12 hospitalized, did you call anyone?

13 A. From the hospital phone?

14 Q. Yes.

15 A. Not that I recall.

16 Q. Did you speak to anyone in the Colombo family?

17 A. When I was in the hospital?

18 Q. Yes.

19 A. Not that I recall.

20 Q. What about your brother, Frank?

21 A. Frank, if I remember correctly, he came to visit me.

22 Q. In the hospital?

23 A. Yes.

24 Q. And did you tell him who shot you?

25 A. No.

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 Q. And after you were out of the hospital, did you speak
2 to people in the Colombo family?

3 A. Yes, later on I seen somebody from the family.

4 Q. Who was that?

5 A. Joe Card -- (ph)

6 Q. Well what about Richie Cappa. Did you speak to him?

7 A. Richie Cappa the Jeweler, or Richie Cappa the
8 associate?

9 Q. We'll take them one at time. Who is Richie Cappa the
10 Jeweler?

11 A. Richie Cappa the Jeweler is a soldier in the family.
12 Richie Cappa the associate is just a young, somebody else
13 in the family. They are not related.

14 Q. Richie Cappa the Jeweler, did you speak to him after
15 you were shot?

16 A. I'm sure I spoke to him. Yes.

17 Q. Where did you visit him?

18 A. At his store.

19 Q. Did you tell him that, who shot you?

20 A. No.

21 Q. Rich Cappa, the associate, what was his business?

22 A. His business was that he was with me. He was with
23 me. He was on record with me. That's all.

24 Q. Well, what was he doing that he is on record with
25 you?

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 A. After Jackie and Chickie DeMartino had threatened to
2 kill him if he didn't tell them the things that are going
3 on in the street, then I went to visit Jackie. And Jackie
4 had put him with me after that.

5 He wants to know whatever he had going on,
6 Shylocki ng busi ness, he had some, exterminati ng busi ness
7 going on.

8 Q. Well Mr. Campanel I a, you testi fied about this
9 occasion where you say Richie Cappa told you that Jackie
10 DeRoss and Chickie Di Martino had threatened to kill him.
11 Right?

12 A. Right.

13 Q. And this is a period of, this is within a couple of
14 weeks after Mr. Cutolo di sappared?

15 A. This is very soon after Bill y di sappared. I
16 woul dn't say a couple of weeks, but very, very soon after
17 Bill y di sappared. Approximatel y two weeks.

18 Q. Well, when is your meeting with Mr. Persico and
19 Mr. DeRoss in relation to this meeting with Mr. Cappa?

20 A. My meeting with Mr. Cappa and Persico?

21 Q. You testi fied about a meeting.

22 A. Yes.

23 Q. That you had with Mr. Persico. Right?

24 A. Right.

25 Q. And you only testi fied about one meeting that you had

Campanella - for the Government - Cross/Ms. Kedia

1381

1 with Mr. Persico after Mr. Cutolo disappeared. Right?

2 A. The meeting with Jackie DeRoss, Persico and myself.

3 That is the one you're talking about?

4 Q. Right.

5 A. Yes.

6 Q. How long was this meeting after, in relation to the
7 Cappa meeting?

8 A. I would say maybe a week to two weeks, approximately.

9 Q. After?

10 A. First came the meeting with Jackie. And then came
11 the meeting with Jack DeRoss and Allie.

12 Q. When you say first came, you mean the meeting with
13 Jackie?

14 A. I went to Jackie's house. I went to Jackie's house.
15 And then after that, the next time I seen Allie was maybe
16 about approximately three weeks after Billy disappeared,
17 three to four weeks.

18 Q. You were at the club on the night of May 26. Right?

19 A. The night Billy never showed up?

20 Q. Right.

21 A. Yes.

22 Q. And that night, did Mr. DeRoss ask you to come show
23 up at the next day at some location?

24 A. The next day?

25 Q. Yes.

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 A. I don't recall that. The next day I went to Billy's
2 house.

3 Q. And the first time that you were asked to go anywhere
4 was to Jack DeRoss's house maybe a week later?

5 MR. BURETTA: Objection, that is
6 mischaracterizing his testimony.

7 THE COURT: Let me hear the question again.

8 BY MS. KEDI A:

9 Q. Let me just ask you. The first time you were asked
10 to go anywhere by Mr. DeRoss after Billy Cutolo
11 disappeared is when?

12 A. The first time after Billy disappeared, Jackie had
13 told me that we'll get together with The Kid, and that was
14 approximately three to four weeks after Billy was missing.

15 Q. Didn't you just testify on direct examination that
16 you had a meeting before that at Jackie DeRoss' house?

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 A. I went to Jackie's house.

20 THE COURT: Sustained. Don't answer the
21 question.

22 BY MS. KEDI A:

23 Q. Did you go to Jack DeRoss's house before that?

24 A. Yes.

25 Q. And you did that on your own?

Campanella - for the Government - Cross/Ms. Kedia

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1 A. Yes.

2 Q. And you did that help your friend, Richie Cappa.

3 Right?

4 A. Yes.

5 Q. And you did that just shortly after Billy Cutolo
6 disappeared. Is that right?

7 A. Yes.

8 Q. Certainly you weren't afraid to go to Jackie DeRoss' s
9 house and tell him exactly what you thought about him and
10 Richie Cappa. Right?

11 A. I went to Jackie's house, okay, actually to discuss
12 why he did that with Richie Cappa. That is the reason why
13 I went though Jack's house, because now Bill disappeared
14 and things are starting to go differently with the crew.
15 If Bill was still around, I don't think that ever would
16 have happened.

17 Q. When you say that would never have happened, Richie
18 Cappa was a person that was under Billy Cutolo?

19 A. Yes.

20 Q. And was he directly under Billy Cutolo, or did he
21 have --

22 A. He was an associates of Billy Cutolo's.

23 Q. And after this incident that you say occurred with
24 Chi ckie DeMartino and Mr. DeRoss --

25 MR. BURETTA: Objection.

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 THE COURT: Sustained.

2 BY MS. KEDI A:

3 Q. After this incident that you testified occurred with
4 Mr. DeMartino and Mr. DeRoss, you say that Richie Cappa
5 was placed with you?

6 A. Yes.

7 Q. That was the result of your meeting with Mr. DeRoss?

8 A. That is what Jackie had told me.

9 Q. And from then on Richie Cappa remained with you?

10 A. Yes.

11 Q. Until you started cooperating?

12 A. Correct.

13 Q. What happened about Tommy Cappa?

14 A. At that time Tommy Cappa was incarcerated. And then
15 when he came home, Tommy Cappa was placed with me.

16 Q. When was that?

17 A. I can't even tell you the year Tommy came home. It
18 was before, before I went away, obviously.

19 Q. Before you went away. Was it before you were shot?

20 A. I believe it was before I got shot.

21 Q. And he remained with you well after you got shot
22 until you actually were incarcerated. Right?

23 A. Yes.

24 Q. What about Tony Dugera (ph)? How did it come about
25 that he was there?

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 A. Tony came to me because Tony Del -- (ph) was around
2 some kid Joey Green (ph). And then there was a little
3 dispute between both of them. They weren't getting along.
4 Jackie had put Tony with me.

5 Q. When was that?

6 A. That was also after Billy disappeared.

7 Q. In 2001?

8 A. Approximately 2001.

9 Q. Now Mr. Campanel I a, let's talk about your
10 relationship with Mr. DeMartino?

11 How long did you know Chickie DeMartino?

12 A. Chickie DeMartino and I go back ever since I was
13 seven, eight years old.

14 Q. And were you friends?

15 A. Well, we weren't friends. We just knew each other.
16 And then as we grew up in the neighborhood we became
17 friends.

18 Q. And you became good friends. Right?

19 A. Yes.

20 Q. And were you seeing each other on a regular basis
21 throughout the 1970s and 1980s?

22 A. On a regular basis, meaning what I like getting
23 together for dinner? No.

24 Q. How often did you see him?

25 A. Not much. Whenever I seen him in the neighborhood,

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 that was i t. I never saw him.

2 Q. Well Vi ncent DeMartino at some point was wi th you all
3 the time protecting Bi lly Cutolo. Right?

4 A. That was i n 1991.

5 Q. And prior to that, you weren' t around him all of the
6 time. Is that right?

7 A. Around who, Vi ncent DeMartino?

8 Q. Yes?

9 A. If we seen each other at the club, that's i t. If he
10 was there, or if he wasn' t there --

11 Q. Well, there came a point i n time when Mr. DeMartino
12 went to jail. Right?

13 A. What date are you tal ki ng about?

14 Q. What year did Vi ncent DeMartino go to jail?

15 A. He was i n and out of prison two or three times.

16 Q. When i s the first time?

17 A. I don' t remember the first time correctly. It was
18 probably i n the mid-ei ghties, I believe. It was on a bank
19 robbery.

20 Q. And i n the 1990s?

21 A. And he then he went i n for the gun charge. I believe
22 it was a gun charge, I believe i t was 1992.

23 Q. So during the time of this di spute?

24 A. Yes.

25 Q. And how long was he i ncarcerated?

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1 A. I don't know the exact time, maybe three or four
2 years. I don't know the exact time.

3 Q. Well during that period of time, did you help out
4 Mr. DeMartino?

5 A. In what way.

6 Q. In any way.

7 A. You need to tell me. What way did I help him out?

8 Q. Well, do you recall that you picked up his daughter
9 every day and took her home while he was in jail?

10 A. That was in, yes, in the mid 1980s, I believe, yes.
11 Him and his wife were asking me to do a favor. And if I
12 could pick up his daughter from school, because his family
13 didn't want to help.

14 Q. Because?

15 A. His family didn't want to help him.

16 Q. So in the mid 1980s you were very close to
17 Mr. DeMartino?

18 A. Very close. But I didn't say, I told you it wasn't
19 like something where we called each other and went out
20 together. We were just close friends.

21 Q. And what about in 1990 when he was incarcerated. Did
22 you help him out then?

23 A. As far as what? How would I help him out?

24 Q. Did you do anything like that, help take care of his
25 daughter?

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1 A. Daughter, no.

2 Q. Give money to his family, anything like that?

3 A. I don't -- I only, don't recall helping out his
4 daughter, giving them money, not that I remember.

5 Q. Well, there came a point in time, Mr. Campanella,
6 that you actually had his daughter employed at one of
7 these medical places that you were extorting. Right?

8 A. She was looking for a job, and his wife had spoke to
9 my wife, and if I could help her out. I don't even
10 remember. Yes, she was employed by somebody.

11 Q. And that was something that you did for him?

12 A. I did it for his wife.

13 Q. You had a relationship with his wife?

14 A. A friendly relationship with his wife.

15 Q. He certainly thought it was far more than that.

16 Right?

17 MR. BURETTA: Objection.

18 THE COURT: Sustained.

19 BY MS. KEDI A:

20 Q. Well, you are aware, Mr. Campanella, that
21 Mr. DeMartino accused you of having an affair with his
22 wife. Right?

23 A. Yes.

24 Q. And he actually even went to Bill Cutolo and made
25 that accusation. Right?

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1 A. He had called Bill Cutolo on the phone and made that
2 accusation.

3 Q. And as a result, what happened?

4 A. And as a result, it never happened. I never had an
5 affair with her. And we never got together with her.

6 Q. Did Billy Cutolo come to you and tell you about the
7 accusation?

8 A. Yes.

9 Q. And you told him it wasn't true?

10 A. I told him it was ridiculous. It wasn't true.

11 Q. And what happened to you as a result of that
12 accusation; anything?

13 A. We never got together over it. No, nothing happened.

14 Q. And what happened to Mr. DeMartino as a result of
15 that accusation?

16 A. What do you mean what happened? I'm not --

17 Q. He was just told to leave it alone, that it was not
18 true?

19 A. Well, we never got together over it.

20 Q. And Mr. DeMartino then went to Mr. Persico's brother
21 with this allegation. I mean his brother went to
22 Mr. Persico, the brother went to Mr. Persico with this
23 allegation. Right?

24 A. Yes.

25 Q. And what came about as a result of that?

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1 A. Nothing. We never got together with him. Nothing
2 happened.

3 Q. Again you said it wasn't true. Right?

4 A. Yeah, it wasn't true.

5 Q. And Mr. Persico certainly didn't do anything to you
6 as a result of it. Right?

7 A. Well, no, I remember, I think Persico just left it to
8 Bill to handle. And we never got together over it.

9 Q. In that period of time -- and this is a time in the
10 mid 1990s right when Mr. DeMartino made that accusation.
11 Right?

12 A. Yes.

13 Q. And since that period of time that Mr. DeMartino made
14 those accusations, he was angry with you. Right?

15 MR. BURETTA: Objection.

16 THE COURT: Sustained.

17 BY MS. KEDI A:

18 Q. Well, do you know if he was angry with you?

19 A. He was angry. I don't know what he was angry about,
20 because it wasn't true.

21 Q. Were you angry with him for making such an
22 accusation?

23 A. Of course. It hurt me a lot.

24 Q. And after that period of time, despite his
25 accusation, as a favor to his wife you had his daughter

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1 employed at this doctor's office. Right?

2 A. The chiropractor's office.

3 Q. There is an incident that occurred at the
4 chiropractor's office. Right?

5 A. Yes.

6 Q. What was that?

7 A. It was something over Michael and Desiree, friends, I
8 believe she squirted him or something. And that was it.

9 Q. When you say Michael, you mean Michael Volpicella,
10 the doctor?

11 A. Correct.

12 MR. BURETTA: Your Honor, ask for a sidebar?

13 THE COURT: Yes, come up.

14 (The following occurred at sidebar.)

15 MR. BURETTA: Your Honor, I was just handed
16 this. I think we need to address it. I think we should
17 break early.

18 THE COURT: Okay.

19 MS. KEDIA: May we know what this is?

20 THE COURT: I'll tell you in one moment.

21 Okay, something came up that we should address
22 immediately.

23 MR. LaRUSSO: After we let the jury go, can I
24 please go to the bathroom before we address this issue?

25 Thank you very much. I appreciate it.

Campanel I a - for the Government - Cross/Ms. Kedi a

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1 THE COURT: Okay.

2 (The following occurred in open court:)

3 THE COURT: Ladies and gentlemen, you understand
4 how important these rules are in this case, and your role
5 in this case. And I must give you this information and
6 re-instruct you each and every time we break.

7 We're going to meet again on Monday at 9:30.

8 Please be on time. It is very important we get started
9 early.

10 We try to stay on the schedule as much as we
11 possibly can and use the time we have allotted to us.

12 Do not let anyone talk to you, influence you.

13 Don't speak about this case to anyone.

14 If anyone does try to tell you something, or you
15 feel you are being influenced you should immediately let
16 me know that by giving Mr. Baran a note. And of course
17 not talking to the rest of the jurors about its.

18 Don't read, view or listen anything that might
19 be reported in the media concerning the facts of the case.

20 Continue to keep an open mind. And don't do any
21 research or investigation regarding the facts of the case.

22 Hope you have good weekend. And we'll see you
23 all on Monday. Thank you.

24 (The jury left the courtroom at 4:45 p.m.)

25 MR. BURETTA: Your Honor, I would like to speak

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1 with the Court in camera about that, and also another
2 matter, a security matter solely.
3

4 THE COURT: Okay, let me take this in camera
5 from the government.
6

7 MS. KEDIA: Can we instruct the witness and ask
8 tell him not to discuss the case?
9

10 THE COURT: Don't discuss the case. We'll see
11 you Monday, 9:30.
12

13 (A sealed record ensued in chambers, and the
14 trial transcript resumes in open court on page 1399.)
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1 (The following occurred in open court:)

2 THE COURT: The issue has been resolved. And we
3 will resume tomorrow at -- not tomorrow, fortunately.
4 I'll see you folks on Monday at 9:30.

5 And how long approximately do you think you
6 might be with this witness?

7 I realize he is an important witness.

8 Ms. Kedzia, how long?

9 MS. KEDIA: I expect to be the morning with him
10 Monday, your Honor.

11 MR. LaRUSSO: Judge, just so you know. We're
12 comparing notes and I'm going to try to -- so what I may
13 do is just fill in some matters. I'm not looking to
14 prolong the examination any longer than is absolutely
15 necessary.

16 THE COURT: I also would note that in regards to
17 your letter concerning the limitation of your
18 cross-examination, that it is my view that you have had
19 more than adequate opportunity to examine the witness,
20 certainly Mrs. Cutolo. And there was much duplication
21 including *in voir dire*, and other points in time.

22 So with regard to that, unless there is
23 something else the government would like to add, I will
24 continue to control the procedure and the process here.
25 And hopefully have a fair trial for both sides.

1400

1 MS. KEDIA: Thank you, your Honor.

2 I also have the other application, your Honor.

3 Has your Honor had a chance to --

4 THE COURT: Yes. I'll do that first thing on
5 Monday morning.

6 Let me ask the government. The order of
7 witnesses, if the witness on the stand now,
8 Mr. Campanella, has completed his testimony relatively
9 early Monday, do you know who the next witness will be?

10 MR. BURETTA: It will be a series of
11 surveillance witnesses, your Honor. And we'll send a
12 letter tomorrow morning listing those for the defense.

13 I expect the next cooperating witness will be
14 Michael Di Leonardo, who will go on next week. So that is
15 the big name they need to know.

16 THE COURT: And you will wrap up everything with
17 Agent Pontecorvo?

18 MR. BURETTA: I'm sorry?

19 THE COURT: Agent Pontecorvo will be your
20 witness who pulls everything together?

21 MR. BURETTA: I think we are too far away from
22 that, Judge. We'll figure that out.

23 THE COURT: Okay, thank you.

24 MS. KEDIA: Were there some cooperating
25 witnesses that the government was saying it doesn't intend

1401

1 to call?

2 MR. BURETTA: I think so, Judge.

3 We're still talking about that in light of the
4 testimony. So as soon as I do know I'm cutting someone, I
5 will let the defense know that.

6 MS. KEDIA: Thank you.

7 THE COURT: Thank you.

8 MS. KEDIA: Your Honor, if I may have a very
9 brief in camera? It is about the application that I
10 submitted to your Honor already. And there is a reason
11 that I would like to do that.

12 THE COURT: All right, come on up.

13 (Continued on the following page.)

14

15 (A sealed record, transcribed and bound
16 separately, ensued. No further record was made.)

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